

VIA EMAIL

July 8, 2024

Secretary Miguel Cardona
Assistant Secretary Catherine E. Lhamon
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100
Email: OCR@ed.gov

Re: Title VI Complaint Against Tulane University (National Origin – Palestinian)

Dear Secretary Cardona, Assistant Secretary Lhamon, and Deputy Assistant Attorney General Smith:

We write on behalf of Tulane Arabic Club, Tulane Students for a Democratic Society (Tulane SDS), and four Tulane SDS members.¹ Tulane SDS and Arabic Club are recognized student organizations (RSOs) at Tulane University.² Arabic Club includes several members of Palestinian origin and perceived Palestinian origin.

The four suspended SDS members identified by their initials in this Complaint are associated with Palestinians individually, and through Tulane SDS, which has joined in collaboration with organizations that are Palestinian, primarily Palestinian, or affiliated with Palestinians for vigils, rallies, protests, and conferences over the last nine months.

The allegations in this Complaint reflect a pattern of anti-Palestinian discrimination at Tulane, as well Tulane's deliberate indifference to and reinforcement of a hostile learning environment for Palestinian students, students perceived to be Palestinian, and students associated with Palestinians. Students impacted by the discrimination and hostile environment on Tulane's campus include members Arabic Club, SDS, and many other students involved this academic year in activism expressing solidarity with the Palestinian people.

Based on the allegations in this complaint, we urge you to conduct a systemic investigation of Tulane for violating Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, and take action to remedy these violations. These allegations are indicative of discrimination of historic proportions and on a widespread and systemic level. We respectfully request and propose remedies that address this extreme racism and discrimination on a holistic level to prevent its recurrence.

¹ These students are identified by their initials, S.G., M.S., K.H., and R.M. S.G. has tentatively transferred schools for the upcoming Fall semester.

² Tulane suspended SDS' Recognized Student Organization (RSO) status for alleged violations of the student code of conduct.

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I. JURISDICTION

1. The Office for Civil Rights (OCR) within the U.S. Department of Education has jurisdiction over Tulane University.

2. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d protects individuals from being “excluded from participation in, be[ing] denied the benefits of, or be[ing] subjected to discrimination” on the basis of race, color, or national origin. Title VI’s implementing regulation at 34 C.F.R. Part 100 prohibits discrimination on the basis of race, color, or national origin in education programs and activities that receive federal financial assistance from the U.S. Department of Education (DOE).

3. As an institution that receives federal financial assistance from the DOE, Tulane is required to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and 34 C.F.R. §§ 101.1–101.2.

4. The allegations in this complaint reflect national-origin discrimination under Title VI against students who hold, are perceived to hold, or who are associated or affiliated with Palestinian identity, by virtue of their skin color, dress, the ancestry of their name(s), their religious practice(s), and/or their speech and activism in support of Palestinian lives.

5. This complaint is timely because it alleges a pervasive and ongoing pattern and practice of discrimination and a related hostile environment at Tulane reflected in various incidents on Tulane’s campus and at events sponsored by Tulane, the most recent of which have occurred within 180 days. 34 C.F.R. § 100.7(b).

6. The complainants have not raised the Title VI claims in this complaint against Tulane to another agency or forum.

II. INTRODUCTION

7. For over nine months, Tulane has discriminated against Palestinian students, students perceived to be Palestinian, and their allies, and created a hostile environment for those students on campus.

8. Palestinian students have expressed that the anti-Palestinian harassment on Tulane's campus is so severe and without consequence that they fear they will be murdered on Tulane's campus.

9. Tulane administrators and faculty have forced students to remove their keffiyehs, called campus police on individuals who are wearing keffiyeh, forced a Palestinian student to identify herself as Palestinian to a public audience, and made anti-Palestinian statements to these students during class and at school events.

10. Tulane administrators have created significant obstacles and effectively denied and prohibited the opportunity for educational events, programming, and offerings that feature Palestinians or center Palestinian perspectives.

11. Anti-Palestinian students have engaged in extreme and unrestrained acts of anti-Palestinian harassment and violence, including physically assaulting a Palestinian-American high school student, routinely showing up to demonstrations where Palestinian students and their allies are present to harass participants while simultaneously and falsely claiming they are being threatened, referring to Palestinian students and their allies as "terrorists," "terrorist mobs," and "Hamass," threatening to kill a Tulane SDS member, and telling a student attending a vigil that they deserved to be raped and killed.

12. Tulane has made official statements expressing support for Israelis and Ukrainians, condemned violence towards those groups, condemned antisemitism, and offered support to impacted students, but refuses to do the same for Palestinian students.

13. Not only does Tulane refuse to make statements of support to Palestinian students and statements condemning anti-Palestinian racism, harassment, and violence, but it appears Tulane President Michael Fitts has enacted a policy prohibiting administrators from issuing any such statements when it comes to Palestinians.

14. When students participated in an encampment on Tulane's campus to highlight demands, including that Tulane divest from Israeli corporations that supply arms, fuel, and technology to Israel, and that Tulane provide institutional protections for Palestinian and Arab students, Tulane responded with historically unprecedented and disproportionate aggression.

15. Tulane unilaterally and selectively issued notices of suspension to SDS and seven of its members effective immediately, and still in effect at present, with trumped up and false charges designed to subject the students to possible expulsion.

16. Tulane requested the presence of three separate law enforcement agencies on campus, horses, snipers, and over 40 police in riot gear armed with weapons.

17. Campus police held a Tulane SDS member to the ground while an NOPD horse struck her in the head, and only briefly allowed EMS to treat her before taking her to jail.

18. State police assaulted community members on the public neutral ground, shot them with “less lethal” weapons and shoved people to the ground so forcefully that two Tulane students suffered concussions and were taken to the hospital.

19. Tulane has not previously requested a police response to unauthorized demonstrations on campus, including the two-week anti-apartheid encampment in 1990, a four-day sit-in outside President Fitt’s office in 2015, and multiple unauthorized counterdemonstrations by anti-Palestinian students over the last school year.

20. Pro-Palestine students and community members are still facing criminal and municipal charges related to the arrests Tulane requested at the encampment.

21. Tulane administrators have used the disciplinary process in a discriminatory and retaliatory manner to intimidate and target Tulane SDS members and to witch-hunt any student who expressed support for Palestinians, even students who remained in areas outside the encampment.

22. Tulane has actively and continually contributed to the pervasive racism and discrimination against Palestinian students on campus, and has escalated with a violent crackdown on anyone supporting them from within or even outside the Gaza Solidarity Encampment, and with conduct investigations and prosecutions ongoing through the summer.

23. The anti-Palestinian racist discrimination, harassment, different treatment, and acts of violence alleged herein are not isolated instances, but the product of systemic, deep-rooted, and dehumanizing bigotry from the top-down at Tulane.

24. Extensive remediation is necessary to prevent further acts of anti-Palestinian discrimination, harassment, and violence on Tulane’s campus and by its students, faculty, and administrators.

III. STATEMENT OF FACTS

A. History of Racism on Tulane's Campus

25. The information in this section is from “Tours of Truth & Resistance: A Comprehensive Essay on the Collective history of Tulane in the Context of Racial Oppression and Resistance Against Such Forces,” Version IV – Edited April 2023, organized, co-written, and performed by members of Students Organizing Against Racism (SOAR) at Tulane University.

26. In 1834, the school now known as Tulane University was established as the Medical College of Louisiana, which then became a public institution under the name of the University of Louisiana in 1847.³

27. Tulane is the only private university in the United States that began as a state-run institution.⁴

28. In 1884, following several years of efforts by Paul Tulane and Randall Lee Gibson to privatize the school, an amendment to Louisiana's constitution formally changed the name to Tulane University and officially transformed it into a private institution.⁵

29. Paul Tulane stipulated that the money is “for the promotion and encouragement of intellectual, moral, and industrial education among the white young persons in the City of New Orleans, State of Louisiana, and for the advancement of learning and letters, the arts and sciences therein.”⁶

30. Randall Lee Gibson was the first President of Tulane's Board of Administrators, and he headed the trust created by Paul Tulane's donation.

31. Gibson is the namesake of Tulane's flagship building, Gibson Hall, and houses Admissions, the Registrar, and the President's Office.

32. Gibson's father, Tobias Gibson, owned and operated three sugar cane plantations in Louisiana and owned 204 enslaved people.⁷

33. Randall Lee Gibson owned another 40 enslaved people.⁸

³ “History and Traditions.” Facts and Figures, Tulane University, 2014, tulane.edu/about/history-and-traditions.

⁴ Ford, Gerald R.: “Address at a Tulane University Convocation,” THE AMERICAN PRESIDENCY PROJECT, (April 23, 1975): <http://www.presidency.ucsb.edu/ws/?pid=4859>.

⁵ Etefia M. Umana, “Tulane struggles to address its past,” WORDPRESS, (Sept. 19, 2016): <https://etefiaumana.wordpress.com/2016/09/19/tulane-struggles-to-address-its-past/>.

⁶ C. Mohr and Joseph E. Gordon, *Tulane: The emergence of a modern university, 1945-1980*, LOUISIANA STATE UNIVERSITY PRESS, (2001).

⁷ Umana, *supra* note 5.

⁸ *Id.*

34. Throughout the 1950's and early 1960's, Tulane refused to desegregate and fought a legal battle opposing the admission of Black students.⁹

35. In 1961, Tulane refused to admit two Black women, Barbara M. Guillory and Pearlle Hardin Elloie, into the graduate schools of sociology and social work, despite their qualifications.¹⁰

36. Guillory and Elloie took Tulane to court.¹¹

37. In March 1962, Judge Skelly Wright ruled in favor of Guillory and Elloie and to desegregate the University, Tulane motioned for a new trial to prevent integration, and in December of 1962, Judge Ellis – the successor of Judge Wright – ruled in favor of Tulane's decision to deny plaintiffs admission.¹²

38. On December 12, 1963, three days after this ruling, Tulane's board unanimously voted to integrate to qualify for a \$6 million grant from the Ford Foundation, which was contingent on Tulane's desegregation.¹³

39. Despite the official integration of the university in 1963, non-white students, faculty, and staff remain heavily underrepresented in the makeup of the school.

B. History of Protests on Tulane's Campus

i. Anti-Apartheid Student Organizing of the 1980's and 90's, and the 1990 Encampment on Tulane's Campus

40. In 1988, students formed Tulane Students Against Apartheid (TSAA) to campaign for divestment from companies doing business in South Africa.¹⁴

41. On May 9, 1988, Nobel Peace Prize Winner Archbishop Desmond Tutu cancelled plans to accept an honorary from Tulane because of Tulane's refusal to divest from companies in South Africa.¹⁵

⁹ M. Kean, *Desegregating private higher education in the South: Duke, Emory, Rice, Tulane, and Vanderbilt*, LOUISIANA STATE UNIVERSITY PRESS, (2008).

¹⁰ C. Cunningham, *The desegregation of Tulane University: A Thesis Presented to the Faculty of the Graduate School*, UNIVERSITY OF NEW ORLEANS, p. 6, (1982).

¹¹ *Id.*

¹² Alicia D. Jasmin, "The Desegregation of a University." TULANE MAGAZINE. Sept. 2013, p. 17.

¹³ Mohr, *supra* note 6.

¹⁴ Michigan State University, "Tulane Students Against Apartheid," AFRICAN ACTIVIST ARCHIVE: <https://africanactivist.msu.edu/organization/210-813-530/>.

¹⁵ *Id.*

42. TSAA first established “shanties” on Tulane’s campus in 1988 on the McAlister Drive interior quad:



43. During that action, TSAA also disrupted a board meeting and presented divestment petitions to the president of Tulane and the Chair of Tulane’s board:



44. In 1989, TSAA took over a Tulane Board of Administrators meeting with a large group of protesters.

45. In late March 1990, TSAA established a second anti-apartheid encampment on Tulane's campus on Gibson Circle facing St. Charles Avenue – the same location as the Gaza Solidarity Encampment:

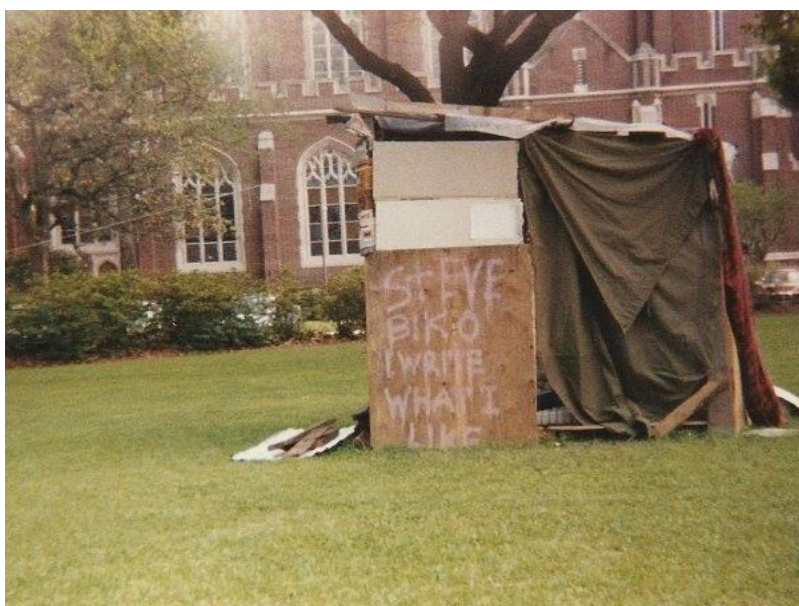


46. Similar to the demands made by Tulane SDS, TSAA constructed shanties to protest the university's investments in companies operating in South Africa:



47. The four shanties were constructed of material from junk yards, a theater, and a lumber yard, and built by TSAA members and other volunteers.

48. The shanties referenced the student-led Soweto Uprising in South Africa and South African anti-apartheid activist Steve Biko, who was severely beaten by police and died of his injuries while in police custody in 1977:



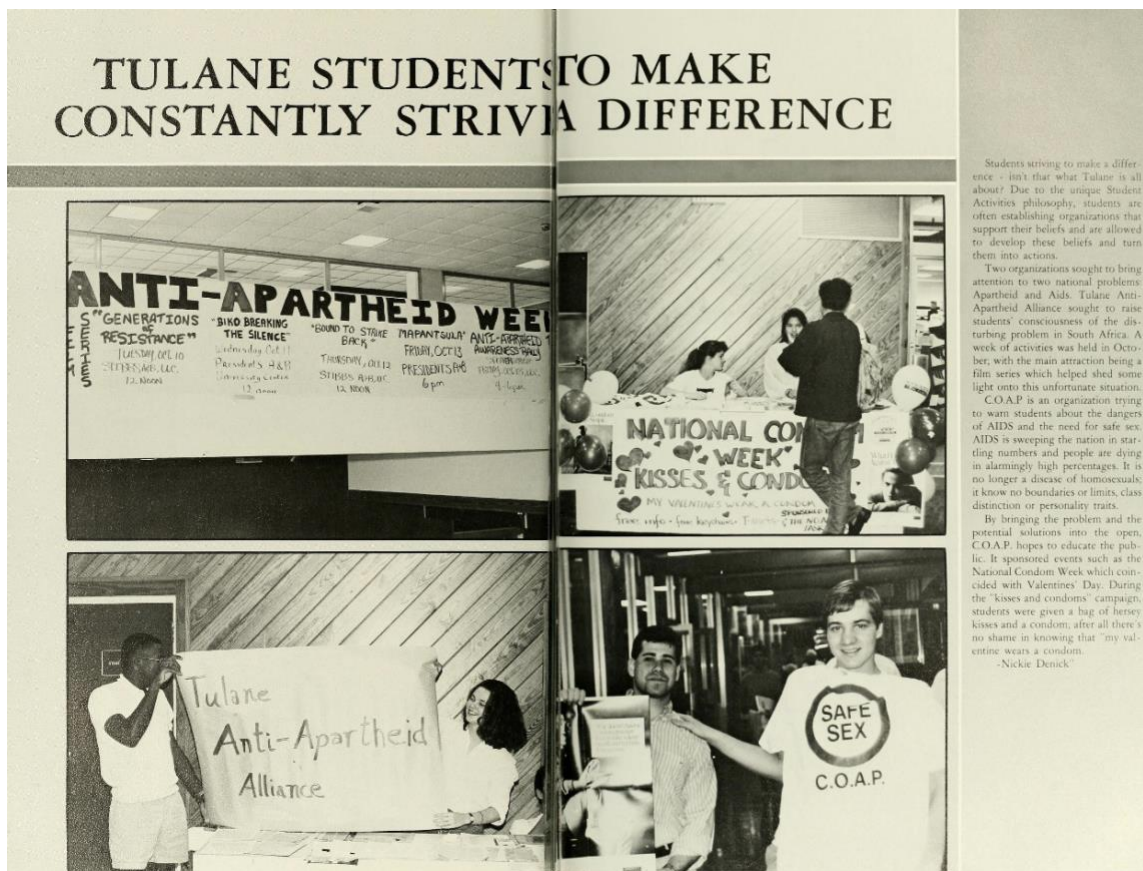
49. The encampment lasted two weeks and included 10 people on hunger strike at one point.

50. The encampment culminated with the hunger strike – not with Tulane requesting that law enforcement dismantle the encampment.¹⁶

51. The 1990 edition of Tulane's yearbook highlighted this as an important example of Tulane students, "Exercising the right to protest" and "student organizations [taking] a firm stand for their causes[.]"¹⁷

52. Tulane's 1990 yearbook described the importance of activist student organizations:

Students striving to make a difference- isn't that what Tulane is all about? Due to the unique Student Activities philosophy, students are often establishing organizations that support their beliefs and are allowed to develop these beliefs and turn them into actions."¹⁸



¹⁶ Tulane University, The Jambalaya (school yearbook), 1990, p. 46, <https://digitallibrary.tulane.edu/islandora/object/tulane%3A17038>.

¹⁷ *Id.*

¹⁸ *Id.* at p. 50.

53. On April 30, 2024, a Twitter user identifying themselves as a Tulane alum and participant in the 1990 encampment commented on news of Tulane's response to the pro-Palestine encampment, "[in 1990] this response from the administration would have been unimaginable."¹⁹

ii. 2015 Environmentalist Student Organizing and Occupation of University Building

54. Beginning on April 17, 2015, more than 70 students with Divest Tulane held a four-day sit-in, occupying the hallway outside President Michael Fitts' suite in Gibson Hall, to pressure Tulane to stop investing in fossil fuels.²⁰

55. Tulane did not suspend any of the students involved with Divest Tulane or even charge any protesters with conduct violations.

56. On the contrary, Tulane responded by agreeing to meet with Divest Tulane members to discuss their concerns.

57. The 2015 sit-in was the second in Tulane's history, taking place 25 years after an anti-apartheid occupation of Gibson Hall.²¹

iii. 2016 Anti-Racist Student Organizing, Protest, and Continued Call to Action

58. In November 2016, over 100 students and faculty marched from Gibson Hall to McAlister Bell to protest the racism, islamophobia, and xenophobia prevalent on Tulane's campus.

59. The protest centered around the unmet demands of marginalized students of color on Tulane's campus.

¹⁹ See X (formerly Twitter) account @firebug2006, posted Apr. 30, 2024: <https://x.com/firebug2006/status/1785279507517120582?s=12&t=J2qcZNIDk9PHH7-9fzG5zA>.

²⁰ Jed Lipinski, "Tulane students occupy president's office to protest fossil fuel investments," NOLA.COM, (Apr. 14, 2015): https://www.nola.com/news/education/tulane-students-occupy-presidents-office-to-protest-fossil-fuel-investments/article_d56ce92a-1afd-5cbd-85e9-07670b062765.html; "Crescent City college briefs for May 6, 2015," THE ADVOCATE, (May 5, 2015): https://www.theadvocate.com/new_orleans/news/crescent-city-college-briefs-for-may-6-2015/article_acc10ba7-46ca-5453-aa68-61dc0933654a.html.

²¹ "Crescent City college briefs for May 6, 2015," THE ADVOCATE, (May 5, 2015): https://www.theadvocate.com/new_orleans/news/crescent-city-college-briefs-for-may-6-2015/article_acc10ba7-46ca-5453-aa68-61dc0933654a.html.

C. Local Context: Demographics and Solidarity with Palestine

i. Tulane and New Orleans Area Demographics

60. In 2023, the Tulane Hullabaloo reported that the Class of 2027, which is only 5% Black, is Tulane's, "most diverse incoming class in history."²²

61. In contrast, Orleans Parish, where Tulane is located, is 58% Black.²³

62. Additionally, only 12% of Tulane's Class of 2027 is from Louisiana.²⁴

63. The Greater New Orleans Area is also home to a community of 20,000 Palestinian-Americans and Palestinians living in diaspora.²⁵

ii. New Orleans Community Members Express Support for Palestine and Palestinian-New Orleanians

64. On January 11, 2018, the New Orleans City Council unanimously passed a Universal Human Rights Resolution, which was backed by the New Orleans Palestine Solidarity Committee and other civil and human rights organizations.²⁶

65. Per the Resolution, the Council pledged to take steps to avoid contracting with or investing in corporations complicit in human rights abuses.²⁷

66. Within two weeks, the Anti-Defamation League (ADL) and the Jewish Federation of Greater New Orleans pressured the Council to rescind the Universal Human Rights Resolution.²⁸

67. The ADL is an organization with a long history of attacking speech supporting Palestinian rights as well as engaging in anti-Arab and anti-Black discrimination.²⁹

²² Ellie Cowen, "Tulane welcomes most diverse incoming class in history," THE TULANE HULLABALOO, (Aug. 30, 2023): <https://tulanehullabaloo.com/63591/news/tulane-welcomes-most-diverse-incoming-class-in-history/>.

²³ "Who Lives in New Orleans and Metro Parishes Now?" THE DATA CENTER, (Oct. 6, 2023): <https://www.datacenterresearch.org/data-resources/who-lives-in-new-orleans-now/>.

²⁴ "Class of 2027 Profile," TULANE UNIVERSITY: <https://admission.tulane.edu/apply/getting-into-tulane/new-class-profile>.

²⁵ "New Orleans Palestinian Community Invites All to 'Experience Palestine,'" BIG EASY MAGAZINE: <https://bigeasymagazine.com/events/new-orleans-palestinian-community-invites-all-to-experience-palestine/>.

²⁶ "New Orleans City Council Rescinds Human Rights Resolution to Shield Israel From Accountability," PALESTINE LEGAL, (Jan. 25, 2018): <https://palestinelegal.org/news/2018/1/25/new-orleans-rescinds-resolution>.

²⁷ Aida Chavez, *New Orleans City Council Caves to Pressure From Jewish Groups, Rescinds Human Rights Resolution*, THE INTERCEPT, (Jan. 26, 2018): <https://theintercept.com/2018/01/26/new-orleans-city-council-resolution-bds/>.

²⁸ *Id.*

²⁹ See, e.g., Jonathan Guyer and Tom Perkins, "Anti-Defamation League staff decry 'dishonest' campaign against Israel critics," THE GUARDIAN (Jan 5, 2024), <https://www.theguardian.com/news/2024/jan/05/adl-pro-israel->

68. The ADL and Federation objected to the resolution because it covered all human rights abuses and did not include a specific exemption for Israel's violation of Palestinian rights.³⁰

69. On January 19, 2024, New Orleans community member, Tawfic Abdel Jabbar, a 17-year old Palestinian-American was murdered by an Israeli settler or Israeli soldier.³¹

70. On January 28, 2024, over 100 cars joined a motorcade across the New Orleans area "in honor of Tawfic Abdeljabbar & all martyrs of Israel's genocide."³²

71. In mid-February 2024, New Orleans community members and organizers wrote a Ceasefire Resolution and began informing the community of this effort, collecting signatures in support of resolution, and contacting New Orleans City Councilmembers.

72. Shortly thereafter, the Federation is believed to have initiated meetings with City councilmembers and engaged in efforts to lobby against the passage of a Ceasefire Resolution.

73. On March 18, 2024, New Orleans area grandmother and businessowner Samaher Esmail, a Palestinian-American, was kidnapped from her home in Palestine and beaten by Israeli soldiers.³³

74. Since Oct., several Tulane students have made efforts to stand in solidarity with Palestinians in Gaza, and to be in community with New Orleanians, including Palestinian community members with loved ones in Gaza, and the family and friends of Tawfic and Samaher.

75. Tulane students, including those named in this Complaint, have joined local community members to give public comment before New Orleans City Council in support of the passage of Ceasefire Resolution, to give public comment at the Port of New Orleans to oppose partnership agreements with Israel, and as speakers or volunteers at rallies organized by the local Palestinian community.

[advocacy-zionism-antisemitism](#); Emmaia Gelman, "The Anti-Defamation League is Not What it Seems," BOSTON REVIEW (May 23, 2019), <https://www.bostonreview.net/articles/emmaia-gelman-anti-defamation-league/>.

³⁰ "New Orleans City Council Rescinds Human Rights Resolution to Shield Israel From Accountability," *supra* note 26.

³¹ Amna Nawaz and Sonia Kopelev, "Father of Palestinian American teen killed in West Bank discusses son's death," PBS NEWS, (Feb. 9, 2024): <https://www.pbs.org/newshour/show/father-of-palestinian-american-teen-killed-in-west-bank-discusses-sons-death>.

³² Nawaz, *supra* note 31; and see Instagram account @masjid_omar_nola, posted Jan. 24, 2024: https://www.instagram.com/p/C2fWUIQrBxq/?igsh=MXY5ZHI0Njg2NGdzMg%3D%3D&img_index=1.

³³ Erin Lowrey, "Family: New Orleans grandmother kidnapped, beaten in Gaza," WDSU 6 NEWS, (Mar. 19, 2024): <https://www.wdsu.com/article/new-orleans-grandmother-kidnapped-palestine/46650056>.

D. 2023-2024 School Year at Tulane: Pervasive Anti-Palestinian Racism and Discrimination

i. Double Standards and Anti-Palestinian Violence

76. On October 12, 2023, President Fitts sent an email to all students, faculty, and staff condemning, “the horrific terrorist attacks,” but he has never once acknowledged the tens of thousands noncombatant civilian Palestinians killed or displaced by Israel or Israel’s many war crimes and crimes against humanity.³⁴

77. On October 26, 2023, President Fitts sent an email to all students, faculty, and staff condemning graffiti that read “from the river to the sea” as “antisemitic vandalism.”³⁵

78. On October 26, 2023, local community members and pro-Palestine Loyola and Tulane students participated in a planned rally near Tulane’s campus.

79. Importantly, the segment of Freret street where this rally occurred is public property.

80. A group of anti-Palestinian counterdemonstrators gathered on the opposite side of the street and extended their demonstration onto Tulane’s property without objection from administrators or campus police.

81. During the rally, a Palestinian-American protester – a local high school student – attempted to burn an Israeli flag in the public space.

82. An anti-Palestinian Tulane student physically assaulted the child, attempted to grab the flag from them, and ultimately started a physical altercation.

83. Although this student admitted to physically assaulting a minor child, there is no indication that Tulane has charged him with any conduct violations, conducted any significant investigation, or issued any sanctions.

84. While Tulane undergraduate student M.S. was participating in this same rally, an anti-Palestinian student told her, “I’m going to kill you.”

85. M.S. recognized the student from their shared Spanish class and reported the death threat to Tulane because she was scared to attend class.

86. Tulane failed to investigate and failed to provide any support to M.S.

³⁴ “Open Letter to Tulane Admin in Support of Palestine,” dated May 3, 2024, attached as Exhibit A.

³⁵ Exhibit A.

87. After the protest, individuals, believed to be anti-Palestinian Tulane students, doxed the Palestinian-American high school student online.

88. There is no indication that Tulane investigated any of its students or their affiliated student organizations in connection with the anti-Palestinian racist harassment and doxing of a minor child.

89. On November 3, 2023, New Orleans community members held a protest in front the Sheraton Hotel, 500 Canal St. during the Port of New Orleans' "State of the Port Address" to protest the cybersecurity and technology exchange between New Orleans and Israel.

90. During the November 3rd protest, which was not on or near Tulane's campus or property, a legal observer with the Louisiana National Lawyers Guild (NLG) observed Tulane's Deputy Chief of Patrol Operations, now Tulane's Chief of Police, Frank Young, wearing his white button-down TUPD Uniform and in an unmarked SUV, surveilling the protest and attendees.

91. On November 9, 2023, anti-Palestinian students with "Students Supporting Israel" (SSI), which is a Recognized Student Organization (RSO) at Tulane, wrote "stand here if you support terrorism" in chalk on the walkway where a pro-Palestine march was set to start on campus.

92. Anti-Palestinian Tulane students admitted responsibility for this act of anti-Palestinian racist harassment in testimony they submitted to U.S. Congress.

93. Although these students and their student organization admitted responsibility for writing an anti-Palestinian racist statement on campus on Tulane's property, there is no indication that Tulane has required to meet with the Office of Student Conduct, charged them with any conduct violations, conducted any significant investigation, or issued any sanctions.

94. On November 15, 2023, Students Organizing Against Racism (SOAR) at Tulane and Tulane for Palestine held "A Vigil to Grieve the Violence of the Occupation of Palestine" in Tulane's Pocket Park.³⁶

95. During the Vigil, an anti-Palestinian student approached a participant and told her that she deserved to be raped and have her throat slit.

³⁶ See Instagram account @soar_tu and @tulane4palestine, posted November 14, 2024: <https://www.instagram.com/tulane4palestine/p/CzpgKPgLvHj/>.

ii. Tulane School of Architecture Refuses to Host Programming on Palestine

96. K.H. is a graduate student in Tulane's School of Architecture.

97. K.H. was the Fall Graduate Research Fellow for the Albert and Tina Small Center for Collaborative Design, and was responsible for programming at the Small Center – a community design center with a stated purpose of, “advanc[ing] community-driven ideas through collaboration, design education...” and providing design services to underserved communities.

98. Around October 24, 2024, K.H. was responsible for programming around the exhibition “Play it Louder: Amplifying Carceral Realities and Abolitionist Futures.”

99. K.H. and another student intended the program to be a “teach-in” addressing the incarceration of over 4,500 Palestinians in Israeli prisons and mass incarceration in Louisiana.

100. The faculty of the Small Center initially supported this programming, but K.H. was told they needed to clear this programming with School of Architecture's Dean of Equity, Diversity, and Inclusion.

101. K.H. was forced to participate in hours of meetings with Associate Dean for Equity, Diversity, and Inclusion Edson Cabalfin and Assistant Dean for Academics Allison Cruz.

102. Cabalfin and Cruz continually suggested that programming on Palestine created a “safety” issue.

103. Cabalfin and Cruz demanded that there be a TUPD presence at the event.

104. Although K.H. agreed to having TUPD at the event, the administrators continued to claim that programming on Palestine was not safe.

105. During multiple hour-long meetings with administrators, K.H.: (1) offered to host the programming at the Small Center rather than Tulane's main campus, (2) suggested resources for alternative already-existing, architecture-specific programming, and (3) shared a possible survey that could be sent to architecture student for them to anonymous share safety issues and concerns.

106. Despite K.H.'s many concessions and suggested alternatives, Tulane administrators refused to allow any programming involving Palestine.

107. Previously, when K.H. planned programming at the Small Center as part of their studies and fellowship, no questions were asked.

108. Also, in 2022, Tulane's School of Architecture, sponsored a fellowship for a Zionist Jewish student to travel to Jerusalem and then give a lecture at the school that was anti-Palestinian and highly offensive to Palestinian students and their allies.

109. Tulane's School of Architecture has denied Palestinian students and their allies the opportunity to attend and host similar programming that features a Palestinian perspective.

110. During the meetings with administrators of Tulane's School of Architecture, K.H. raised serious concerns about anti-Palestinian racism and discrimination within the school.

111. K.H. and other pro-Palestine students alerted Cabalfin and Cruz that a Tulane School of Architecture student was referring to Palestinian children and New Orleans community members as "animals."

112. K.H. also reported to these administrators that online comments like those reinforced the increasingly unsafe and hostile environment on campus for Palestinian, Arab, and Muslim students.

113. K.H. suggested that the School of Architecture make a statement of support to Palestinian, Arab, and Muslim students and condemn the anti-Palestinian and anti-Arab racism.

114. On April 17, 2024, the administrators responded to K.H.'s reports by claiming that there is nothing Tulane can do about the anti-Palestinian students' online hate speech.

iii. Anti-Palestinian Discrimination at Tulane Language Day Event

115. Each year, Tulane's School of Liberal Arts hosts a "Language Day Celebration" during "International Education Week."

116. According to Tulane, "[t]his event celebrates the linguistic and cultural diversity that shapes our university" and "showcases the multiculturalism that is seminal to Tulane."

117. Tulane promotes Language Day as an event where students can, "explore different languages and cultures" and gain "cross-cultural understanding and appreciation."

118. Specifically, Language Day events include activities showcasing a culture's "traditions and customs," "musical performances," and "theatrical acts."

119. Historically, Tulane has prohibited or discouraged the display of the Palestinian flag on campus, even when flags of other countries are prominently displayed.

120. In advance of this year's Language Day Celebration, Arabic Club members expressed intent to display a Palestinian flag and a Palestinian student was instructed to meet with Dean of Student Erica Woodley to request permission for such a display.

121. Although Dean Woodley gave permission to display the Palestinian flag, the display was conditioned on the posting of a disclaimer alongside it explaining why the flag was included.

122. No other cultural group was required to meet with administrators and receive permission to display the flag of their national origin at Language Day.

123. No other cultural group was required to include a disclaimer next to their nation's flag at Language Day.

124. Tulane administrators and Language Day organized approved a performance of a Dabke dance by Arabic Club members.³⁷

125. However, on November 14, 2023, when the students attempted to perform their dance at Language Day, they were stopped by Middle East and North African (MENA) Studies Director Edwige Tamalet.³⁸

126. Dr. Tamalet insisted that Arabic Club members must remove their keffiyeh because she claimed they were "political," a "symbol of war," and would "incite violence."³⁹

127. Although Arab students patiently explained the cultural significance of the keffiyeh, Dr. Tamalet remained dismissive and willfully ignorant.⁴⁰

128. Students then requested that Dr. Tamalet specify who made the decision that they could not perform at Language Day unless they removed their keffiyeh.⁴¹

129. Dr. Tamalet refused to name any administrators.⁴²

130. When Arabic Club members asked the administrators, faculty, and organizers responsible for the Language Day event, who had pre-approved the performance, to intervene, they refused and declined to investigate Dr. Tamalet's actions.⁴³

131. The Director of the Arabic Program told the Arabic Club members to comply with Dr. Tamalet's order to remove the keffiyehs.

³⁷ See Instagram account @tu_arabic_club, posted Dec. 18, 2023: https://www.instagram.com/p/C1C1OXPumu8/?img_index=1, attached as Exhibit B.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

132. Ultimately, to perform the dance, Dr. Tamalet forced a Palestinian member of Arabic Club to stand on stage, publicly identify herself as Palestinian, and explain the cultural significance of the keffiyeh – all as a prerequisite to perform a dance that had already been approved by event organizers.⁴⁴

133. Dr. Tamalet's deliberate delay of the performance caused Arabic Club members to miss or be late to their classes.

134. Dr. Tamalet's demand that students remove their keffiyehs and forcing a Palestinian student explain that keffiyehs are not violent served to reinforce the racist trope that Palestinian, Arab, and Muslim culture is inherently violent.

135. Hours before the last Arabic Club meeting on November 27, 2023, Dr. Tamalet informed the club advisor that she would drop by and apologize.

136. When Dr. Tamalet and the dean arrived at the Arabic Club meeting, they commandeered the meeting space, forced the Arabic Club members to participate in a 2-hour long discussion in which Dr. Tamalet and the dean did not apologize, but instead continued to defend the choices they made at the Language Day event.

137. As the Director of MENA Studies, Dr. Tamalet had authority to make decisions about course offerings, content, and other essential elements of the program.⁴⁵

138. Arabic Club requested that Tulane acknowledge the discrimination Arab and Arabic-learning students were subjected to by Dr. Tamalet.⁴⁶

139. In February 2024, Dr. Tamalet resigned.

140. No other cultural group at Language Day had their attire policed, was forced to explain that their attire was "not violent" before their performance or was subjected to racist remarks and discriminatory treatment without acknowledgement or apology.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

iv. Palestinian Students Disclose Experiences of Anti-Palestinian Racism on Tulane's Campus

141. On one occasion, Tulane Chemistry Professor Courtney Lopreore announced to the class, which included a Palestinian student, that she sympathized with students with family in Israel, but implied she did not sympathize with Palestinian students, and referred to Palestinians as terrorists.

142. The Palestinian student reported these remarks, but Tulane administrators responded only by offering to find her someone “to talk to,” but refused to investigate it as an incident of anti-Palestinian racism and discrimination by a professor towards a student in her class.

143. On November 16, 2024, the Tulane Hullabaloo published a letter to the editor from a collective of students with “Tulane for Palestine.”⁴⁷

144. The letter included statements from members of the Tulane community “expressing a need for representation for Palestinian support on an increasingly restrictive campus.”

145. One statement read, “I feel unsafe on my own campus... I’m afraid I’ll be harassed or killed for being Palestinian. I never thought that students who you would think are ‘grown up’ and ‘responsible’ talk about you, give disgusted looks, and make racist/islamophobic/Zionist comments.... You would think that your university is supposed to protect you from these things but it is all shoved under the rug and no one is willing to hear us out.”

146. Another statement by a Palestinian student read, “I am constantly reminded of how the people around me support the genocide of Palestinians with pride. One day after sharing that I was Palestinian with my sociology class, another student later brought up to the class that she is an avid donator to the Israeli Defense Forces. Statements like this are implying exactly what it sounds like: that Palestinians like me are the targets for the IDF.”

147. Another Palestinian student lamented, “I am sick and tired of being clung to my phone worried for my family members every second of the day. I can’t sleep or eat right. I feel guilty. I feel angry. I feel defeated. I am disappointed in humanity, and am appalled at the fact that the death of children is debatable in today’s world.”

⁴⁷ Tulane for Palestine, “Letter to the Editor | We are Tulane for Palestine,” THE TULANE HULLABALOO, (Nov. 16, 2023): <https://tulanehullabaloo.com/64780/views/letter-to-the-editor-we-are-tulane-for-palestine/>, attached as Exhibit C.

148. Despite being on notice that at least one Palestinian student feared they would be killed on Tulane's campus due to the pervasive anti-Palestinian racism and dehumanizing campus culture, Tulane did not respond to the letter, attempt to work with Tulane for Palestine, offer resources to Palestinian students, or take any action whatsoever to support Palestinian students.

v. Students for a Democratic Society (SDS) Becomes a Recognized Student Organization (RSO)

149. In January 2024, Tulane recognized the formation of a chapter of Students for a Democratic Society on its campus as a Recognized Student Organization (RSO).

150. The New Students for a Democratic Society is a national student activist organization, inspired by the powerful anti-war movement of the 1960's and 70's, and refounded in 2006 after protests against the US invasions of Iraq and Afghanistan.⁴⁸

151. SDS stands against US wars and intervention, racist discrimination, police crimes, homophobic and transphobic attacks, attacks on women, attacks on reproductive rights, and much more.⁴⁹

152. On February 1, 2024, Tulane SDS member S.G. wrote "Free Palestine" in chalk on the same walkway where anti-Palestinian members of "Students Supporting Israel" (SSI) admitted they wrote an anti-Palestinian racist statement less than three months earlier.

153. Tulane administrators immediately called S.G. into the Office of Student Conduct for a conduct meeting to investigate the incident.

154. On February 19, 2024, majority Black and Brown members of Tulane SDS tabled outside Stern Hall to raise money for the United Nations Relief and Works Agency (UNRWA) and E-sims for Gaza – an event approved by Tulane.

155. Anti-Palestinian students, including the President of the Recognized Student Organization (RSO) "Students Supporting Israel," openly harassed the Black and Brown members of Tulane SDS, calling them "terrorists" and other anti-Palestinian slurs and stereotypes.

156. The counterdemonstration held by anti-Palestinian students was not registered with Tulane as required by Tulane's event policy and "Freedom to Demonstrate: Campus Demonstration Protocol."

⁴⁸ "Who Are New SDS," STUDENTS FOR A DEMOCRATIC SOCIETY: <https://new-students-for-a-democratic-society.ghost.io/about/>.

⁴⁹ *Id.*

157. Even though their demonstration was unregistered, Tulane did not ask the anti-Palestinian students stop or disperse, did not request a police response, and did not initiate conduct investigations against the anti-Palestinian students for holding an unauthorized demonstration.

158. On March 12, 2024, Tulane SDS published a list of demands directed at Tulane University.⁵⁰

159. Tulane SDS demanded that Tulane: (1) publicly state support for the City Council of New Orleans to pass a ceasefire resolution; (2) disclose where its endowment is invested annually, beginning with investments made in 2023; (3) cut all ties with Israeli universities, including cancelling all “birthright” trips to Occupied Palestine; (4) divest fully from Israeli corporations and corporations who supply arms, fuel, or technology to Israel; and (5) provide institutional protection for Arab and Palestinian students.⁵¹

vi. Events Centering Palestinians or Where Palestinian Perspectives are Requested are Cancelled by Tulane

160. As discussed above, the Tulane School of Architecture refused a graduate student’s request to host programming on Palestine.

161. In December 2023, Tulane similarly demanded that organizers with the School of Public Health’s Violence Prevention Institute to agree to a police presence, among other requests, to host an event entitled, “Listening to Palestinians: Stories from the Diaspora.”

162. Although organizers agreed to these demands, Tulane still forced the School of Public Health’s Violence Prevention Institute to cancel the “Listening to Palestinians: Stories from the Diaspora” event.⁵²

163. Tulane did not provide any explanation for why they forced the School of Public Health’s Violence Prevention Institute to cancel the event.

164. Previously, Tulane’s School of Public Health published an official statement condemning attacks on healthcare facilities and workers in Ukraine by Russia.⁵³

⁵⁰ See Instagram accounts @tulanedsd, posted Mar 12, 2024:

<https://www.instagram.com/p/C4a3Po7soUI/?igsh=MXZzaHk1anFsY25idw%3D%3D>

⁵¹ *Id.*

⁵² Exhibit A.

⁵³ See Tulane University School of Public Health and Tropical Medicine website, “U.S. Schools of Public Health Join Together to Demand the Protection of Health Care Workers in Ukraine and Beyond”:

<https://sph.tulane.edu/news/us-schools-public-health-join-together-demand-protection-health-care-workers-ukraine-and-beyond>.

165. Tulane’s School of Public Health demanded that Russian perpetrators of attacks on healthcare facilities and workers, “be charged with war crimes, face public trials, and, if convicted, should be imprisoned for their heinous acts.”⁵⁴

166. When a student in the School of Public Health asked the Dean why they had not issued a similar statement condemning Israel’s attacks on healthcare facilities and workers in Palestine, the Dean indicated that, per a policy decision of President Fitts, administrators are prohibited from making statements that could be interpreted as supportive of Palestinians.⁵⁵

167. After significant pressure, Tulane announced a Middle East and North Africa (MENA) “Perspectives” panel scheduled for March 6, 2024, and organized by the School of Liberal Arts.⁵⁶

168. The panel was slated to feature four panelists, three of whom primarily focus on Israel-related research and perspectives.⁵⁷

169. Tulane cancelled this panel without explanation.⁵⁸

170. On March 15, 2024, members of a Tulane affinity group for Middle Eastern and North African, or MENA, staff and faculty sent Tulane President Michael Fitts an open letter reporting serious concerns of anti-Palestinian racism and discrimination in campus programming.⁵⁹

171. According to the letter, the MENA affinity group felt it was imperative to convey their concerns despite the panel being cancelled.⁶⁰

172. The letter highlighted the “one-sided representation” on the panel, which it described as, “dismally short of warranting an event title that implies a balanced and comprehensive take on the Middle East.”⁶¹

⁵⁴ *Id.*

⁵⁵ See Instagram account @alex_jaouiche, reel posted May 10, 2024: <https://www.instagram.com/reel/C6ynJz5LE3/?igsh=MTg2MGc1c2FoeHl4ag%3D%3D>.

⁵⁶ “Allied with Tulane MENA Staff, Faculty, and Students Letter,” sent to Tulane President Michael Fitts on March 15, 2024: <https://docs.google.com/forms/d/e/1FAIpQLSeDnsr9FBdtZSosl1sin5ChVn5DuFORbwIqCQ8QTXmOHgraZA/viawform>, attached as Exhibit D.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*; see also, Joscelyn Caldwell, “Open letter from staff accuses Tulane of anti-Palestinian bias,” THE TULANE HULLABALOO, (Apr. 10, 2024): <https://tulanehullabaloo.com/65854/uncategorized/open-letter-from-staff-accuses-tulane-of-anti-palestinian-bias/>, attached as Exhibit E.

⁶⁰ Exhibit D.

⁶¹ *Id.*

173. The signees to the letter reported “significant gaps in equity and diversity” and “a recurring pattern of presenting initiatives and events as being regionally representative, when they are actually biased.”⁶²

174. Staff and faculty of MENA descent reported that they, “we recognize an ignorance of and thinly-veiled contempt towards non-Israeli MENA people and scholarship at Tulane University.”⁶³

175. Specifically, the signees to the letter noted “a lack of recruitment of faculty representing Palestinian and other relevant Arab voices from the region (ie, Egypt and the Levant).”⁶⁴

176. The staff and faculty reported to President Fitts that, “recent efforts by students and staff to promote Palestine/Arab cultural and academic events have been obstructed or prevented by university administration using dubious justifications.”⁶⁵

177. As an example of an event that Tulane presents as regionally representative, but is actually biased, the staff and faculty of MENA descent cited Tulane’s, “Palagye Program for Middle East Peace” which purportedly takes students to study “regional peace initiatives,” but is based in Israel and privileges an Israeli perspective.⁶⁶

178. Subsequently, on April 24, 2024, the co-director of Tulane’s Palagye Program and one of the slated panelists for the cancelled MENA “Perspectives” panel is reported to have made discriminatory and racist anti-Palestinian statements to a student at a “Pathways to Peace event.”

179. The co-director of the Palagye Program told the student, “Palestinians will be uncomfortable anywhere they go,” and, “the Palestinians left,” suggesting that Palestinians left their homes voluntarily.

180. The student was further offended by the co-director’s statement that theft of Palestinian land and homes is acceptable because there are “peacemaking groups” that encourage settlers to have conversations with the Palestinians whose land and homes they are occupying.

181. Tulane has refused to provide Palestinian students, faculty, staff, or speakers an equivalent platform to respond that, from their perspective, the supposed “non violence” of these “peacemaking groups” of settlers is enabled only by the violent colonizing actions, land theft, and genocide committed en masse by other members of that group.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

182. Tulane has made no attempt to host a panel highlighting Palestinians and Palestinian perspectives.

183. But Tulane welcomes Israeli speakers, including active members of the Israeli military to campus.

vii. Attempts to Provide Educational Resources in the Library on Palestine are Prevented by Tulane Administration and Rampant Acts of Anti-Palestinian Racism

184. Around February or March 2024, Tulane prohibited the library from hosting a cultural exhibit on Palestine.

185. Tulane claimed that an exhibit on Palestinian history and culture was “one-sided.”

186. Tulane required that this Palestinian physical exhibit be converted into an online guide and required it include Israeli perspectives.

187. Tulane does not require that materials on Israel include a Palestinian perspective.

188. In April 2024, Tulane and library administrators pre-approved a physical book display in the library on Palestine by Students Organizing Against Racism (SOAR) at Tulane.

189. The book display included books, zines, and bookmarks, which were all pre-approved by administrators.

190. When anti-Palestinian students falsely claimed that a zine on the Boycott Divest Sanction (BDS) movement was antisemitic, Tulane immediately removed the BDS zine.⁶⁷

191. Prior to removing the BDS zine, Tulane did not consult or communicate with members of SOAR about changes to the display.

192. SOAR members did not find out administrators had removed items from their approved display until someone posted about the removal of the BDS zine on social media.

193. The same anti-Palestinian student who made a false report of antisemitism to have the zines removed also removed books written by renowned Israeli and Jewish scholars, who advocated for a one-state solution, from the library.⁶⁸

⁶⁷ Exhibit A.

⁶⁸ *Id.*

194. This same student, once again, claimed that the Israeli and Jewish scholars who authored those texts were antisemitic.⁶⁹

195. During Islamophobia Awareness Week, another anti-Palestinian student checked out every single book from the display to render them unavailable to other students who were looking for more information and perspectives.⁷⁰

196. On April 17, 2024, while members of Tulane SDS, including a Muslim student, were putting up art installations for an approved event, they were subjected to racist harassment by an anti-Palestinian student who told them, “I want to burn it.”

197. Later that same day, when a non-white, perceived-Palestinian student was standing near the art banner, the same anti-Palestinian student shouted at them about, “the children Hamas killed and babies they beheaded.”

198. Other anti-Palestinian students then engaged in the racist harassment of an Arab faculty member by claiming that the number of Palestinians murdered by Israel is not real.

viii. Assault of SDS Member, Israeli Soldiers on Campus and Anti-Palestinian Faculty Member Reports Individual to TUPD for Wearing Keffiyeh

199. On March 13, 2024, Tulane Professor Walter Isaacson physical assaulted Tulane SDS member R.M. at a Tulane-sponsored event while R.M. was protesting in support of Palestine, and specifically calling for an end to university partnerships with Israel.⁷¹

200. On March 16, 2024, protesters, including Tulane students, were standing on the public sidewalk near Tulane’s Campus for a protest – the segment of Freret street where this protest occurred is public property.

201. During the protest, TUPD officers, including Officer Vincent Silva, approached community members who were standing on the public sidewalk.⁷²

202. Officer Silva grabbed Tulane SDS member R.M., who was standing on public property, and attempted to pull them onto campus property on the other side of the sidewalk.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ “Tulane SDS statement on battery of Tulane student by Professor Walter Isaacson,” FIGHT BACK! NEWS (Mar. 15, 2024), <https://fightbacknews.org/articles/tulane-sds-statement-on-battery-of-tulane-student-by-professor-walter-isaacson>; and see “Tulane professor Walter Isaacson accused of pushing student protesting a panel,” WDSU 6 NEWS (Mar. 14, 2024), <https://www.wdsu.com/article/new-orleans-professor-walter-isaacson-push-student-video/60199041>.

⁷² “New Orleans activist arrested for protesting in defense of Palestine,” FIGHT BACK! NEWS, (Mar. 16, 2024), <https://fightbacknews.org/articles/new-orleans-activist-arrested-for-protesting-in-defense-of-palestine>.

203. When community member Toni Jones intervened, Officer Silva arrested Jones.⁷³

204. Since October, Tulane has scheduled two “IsraelFests” in the center of campus that included writing letters of support to Israeli military soldiers.

205. Tulane scheduled the second on-campus “IsraelFest” for the first day of Islamophobia Awareness Week.

206. Pro-Palestine students had to initiate meetings with administrators to request that “IsraelFest” be moved to a different date because scheduling it on the first day of “Islamophobia Awareness Week” appeared Islamophobic, racist, and retaliatory.

207. On April 7, 2024, Tulane hosted an active member of the Israeli military on campus.

208. Just three months earlier, former Israeli soldiers used chemical weapons on pro-Palestine Columbia students on Columbia’s, campus which resulted in the hospitalization of at least ten students.⁷⁴

209. Around April 24, 2024, during a building opening or ribbon-cutting ceremony on campus, a person in attendance was wearing a keffiyeh.

210. A faculty member called TUPD, reported to TUPD that a person wearing a “terrorist scarf” was scaring her, and requested a police response.

211. On April 24, 2024, Tulane hosted an on-campus dinner with another active member of the Israeli military.⁷⁵

212. In response to the dinner, student Daniel Wiesen organized a Palestinian Solidarity Rally – a registered demonstration approved by Tulane.

⁷³ See Instagram accounts @n.o.cop and @tulanesds for video footage, posted Mar 16, 2024: <https://www.instagram.com/reel/C4lwxxRxqFT/?igsh=MW4wdW1zbzNqbXk3Mg%3D%3D>.

⁷⁴ Anna Rajagopal, “Pro-Palestine Columbia Students Attacked with Israeli Chemical, University Administration Fails to Act,” INSTITUTE FOR PALESTINE STUDIES, (Jan. 31, 2024), <https://www.palestine-studies.org/en/node/1655130>.

⁷⁵ Lindsay Ruhl, “Student organizes rally to protest Hillel hosting IDF soldier,” THE TULANE HULLABALOO, (Apr. 25, 2024), <https://tulanehullabaloo.com/66083/news/student-organizes-rally-to-protest-hillel-hosting-idf-soldier/>.

213. Wisen, who is Jewish, described his initial reaction to the event:

[I]f I were a Muslim student, or if I were a student with family in Palestine, and I knew that Tulane Hillel was sponsoring a soldier that may have been a perpetrator of my family member's death, it would be very, very alienating to the point where I wouldn't want to be a part of Tulane.⁷⁶

214. Wiesen acknowledged that, because of his decision to stand in solidarity with Palestinians and be associated with Palestinians, he expected to face anti-Palestinian racism by association and erasure of his Jewish identity: "I will face a lot of scrutiny in person and online that suggests I'm rejecting my Jewish faith, my Jewish heritage, my culture."⁷⁷

215. At the Palestine Solidarity Rally, Tulane Law Professor Ata Hindi expressed his concern with Tulane's decision to host an individual on campus who is potentially involved in the commission of international war crimes:

The concern that I have today is the outright publicity of what should be a partner organization fighting for peace and justice is bringing in an individual who may have been involved in the commissions of international crimes, war crimes, crimes against humanity. I thought it might be possible that the individual was coming to enlighten us about international crimes being committed in the Gaza Strip. I even asked about that possibility. It doesn't seem that is the possibility.⁷⁸

216. Anti-Palestinian students with Tulane SSI openly held an unauthorized counter demonstration and harassed pro-Palestine students, including approaching, mocking, and shoving a fist into the face of a Black student at the rally.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

217. The counterdemonstrators positioned themselves at the only exit from the event space:



218. Anti-Palestinian students harassed the students participating in the pro-Palestine rally, calling them “terrorists” and “terror loving mobs”:



219. Rather than prevent this harassment, Tulane administrators locked the doors to the Lavin-Bernick Center from the outside so that Pro-Palestine students attending the Tulane-approved rally could only leave by walking through the unauthorized anti-Palestinian counter demonstration, rather than thru the Lavin-Bernick Center.

220. There is no indication that Tulane asked the anti-Palestinian students to stop or disperse, requested a police response, or initiated conduct investigations against the anti-Palestinian students for holding an unauthorized demonstration.

221. Tulane SDS member M.S. submitted “Campus Reporting” forms regarding this unauthorized demonstration and incidents of anti-Palestinian racism and harassment.

222. Tulane did not respond to the campus reports submitted by M.S.

ix. Gaza Solidarity Encampment and Police Response Requested by Tulane

223. On April 29, 2024, approximately 250 protesters marched from Tulane’s ROTC building on Freret Street before taking to St. Charles Avenue.

224. While pro-Palestine Tulane and Loyola students were marching down St. Charles Ave., near Tulane’s campus, a car registered to prominent personal injury attorney and former executive board member of the Jewish Federation of Greater New Orleans, Morris Bart, drove into the crowd.⁷⁹

225. Soon thereafter, Bart arrived and joined anti-Palestinian counterdemonstrators.

226. Some protestors left the march to set up tents in front of Gibson Hall, where Tulane President Michael Fitts’ office is located.

227. Tulane administrators requested that TUPD and NOPD respond to protesters on campus.

⁷⁹ See Instagram account @loynosds, posted May 4, 2024: <https://www.instagram.com/p/C6jczRNLclu/>; and see, “Bart family to receive JEF Tzedakah Award Sunday afternoon”: <https://www.crescentcityjewishnews.com/bart-family-to-receive-jef-tzedakah-award/>.

228. As the protesters began to set up the tents, four NOPD mounted units spurred their horses to charge into the crowd.⁸⁰



⁸⁰ Kaylee Poche, “Pro-Palestinian students establish protest encampment on Tulane’s campus,” NEW ORLEANS GAMBIT, (Apr. 29, 2024), https://www.nola.com/gambit/news/the_latest/pro-palestinian-students-establish-protest-encampment-on-tulanes-campus/article_168af8d2-0688-11ef-87fb-8b088ce0542c.html.

229. TUPD Officer Vincent Silva restrained one Tulane SDS member near the NOPD mounted units:



230. Officer Silva held the student to the ground within inches of the NOPD mounted units, which resulted in an NOPD horse striking the student in the head:



231. TUPD placed the injured student in handcuffs.

232. The student was disoriented and dazed from the strike to the head by the horse.

233. EMS requested that TUPD remove the handcuffs so that they could examine the student for a head injury.

234. EMS only briefly examined the student before TUPD placed her back in handcuffs and took her to jail.

235. This student is currently suspended by Tulane and facing municipal charges of “trespass” and “resisting an officer.”

236. Those arrested were taken by TUPD to an area within reach of anti-Palestinian counterdemonstrators and allowed the counterdemonstrators to taunt them about their arrests.

237. Pro-Palestine protesters succeeded in establishing an encampment, with one protester declaring it a “Tulane Free Gaza University.”⁸¹

238. The encampment took place in a symbolically salient location adjacent to Gibson Hall, which is named for the slaveowner and sugar cane plantation heir, Randall Lee Gibson.

239. This location would have, at best, a marginal impact on the vast majority of campus.

240. However, TUPD and NOPD remained present.

241. Officer Silva remained at the encampment with a dispenser of mace or pepper spray drawn while he faced the human chain of peaceful protesters encircling the encampment.⁸²



⁸¹ *Id.*

⁸² See X (formerly Twitter) account @NewOrleansDSA for photograph of TUPD Officer Vincent Silva, posted Apr. 29, 2024: <https://x.com/neworleansdsa/status/1785105567951819213?s=12&t=J2qcZNIDk9PHH7-9fzG5zA>.

242. NOPD and TUPD officers eventually stepped back.⁸³

243. During the pro-Palestine encampment, the Jewish Federation of Greater New Orleans provided support to anti-Palestinian counterdemonstrators.

244. Upon information and belief, Tulane administrators invited the Federation on campus to join TUPD as “security” – despite the fact that a car owned by a former executive board member of the Federation had just driven into a crowd of pro-Palestine students.

245. Official communications from Tulane immediately branded the protest as illegitimate, without substantive consideration of Tulane students’ rights to express their views on campus.

246. Tulane’s policy on free expression notes that the university “...recognizes and commits to the essential role freedom of expression, thought inquiry, speech, and lawful assembly serve in protecting and upholding our university purpose.”

247. However, an email sent to the Tulane community by Kirk Bouyelas (AVP of Public Safety and Community Engagement) accused all participants of “...breaking the law, hate speech, harassment, intimidation, trespassing, violence and other criminal acts.”

248. Tulane’s official communications did not acknowledge or express any concern for the fact that an individual had driven their car through a crowd of marching students, or that a student was injured by TUPD and NOPD’s excessive use of force and incompetence.

249. Instead, Tulane administrators requested that the Louisiana State Police (LSP) also respond to the encampment.

250. The Louisiana State Police are under active investigation by the U.S. Department of Justice for excessive force and racially discriminatory policing.⁸⁴

251. The DOJ opened this investigation after the Associated Press reported that it had uncovered at least a dozen cases over the past decade in which LSP troopers or their bosses ignored or concealed evidence of beatings, deflected blame and impeded efforts to root out misconduct.⁸⁵

⁸³ “New Orleans: Loyola and Tulane students successfully establish Popular University for Gaza, set up an encampment,” FIGHT BACK! NEWS, (Apr. 30, 2024), <https://fightbacknews.org/articles/new-orleans-loyola-and-tulane-students-successfully-establish-popular>.

⁸⁴ See the U.S. Department of Justice Office of Public Affairs website for a press release, “Justice Department Announces Investigation of the Louisiana State Police,” dated June 9, 2022: <https://www.justice.gov/opa/pr/justice-department-announces-investigation-louisiana-state-police>

⁸⁵ Jim Mustian and Jake Bleiberg, “Beatings, buried videos a pattern at Louisiana State Police,” THE ASSOCIATED PRESS, (Sept. 9, 2021), <https://apnews.com/article/louisiana-arrests-race-and-ethnicity-hispanics-monroe-ac9607d80c2931cd380a2a5be27004c5>.

252. Most of those beaten in the cases AP found were Black, in keeping with the LSP's own tally that 67% of its uses of force in recent years have targeted Black people — double the percentage of the state's Black population.⁸⁶

253. The AP also published previously unreleased body camera footage that showed white LSP troopers dragging, shocking, choking, and beating Ronald Greene to death as he pleaded for mercy.⁸⁷

254. At the Tulane encampment, the LSP officers stood approximately 15 feet away from the encampment all night.⁸⁸

255. Within the encampment, the students played music, shared food, received supplies, held chants, and gave speeches all through the night.⁸⁹

256. Students played a recording from a Palestinian woman who was displaced from Gaza by the ongoing genocide, in which she specifically thanked Loyola and Tulane students for their support: "You are now our voice when we don't have one.. Don't abandon us like the rest of the world has."⁹⁰

257. Along with their demand for a ceasefire in the war — which has left tens of thousands dead and more than 1 million Palestinians displaced — protesters chanted calls for the university to provide the public with information on its financial investments and divest from companies that do business with the Israeli government.⁹¹

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ FIGHT BACK! NEWS, *supra* note 83.

⁸⁹ *Id.*

⁹⁰ Poche, *supra* note 80.

⁹¹ Charles Maldonado, Michelle Liu and Drew Costley, "Hundreds of pro-Palestinian protestors occupy Tulane campus, 6 arrested," LOUISIANA ILLUMINATOR, (Apr. 30, 2024), <https://lailluminator.com/2024/04/30/protestors-tulane/>.

258. On the same date as the encampment was established, Tulane SSI held an event on Berger Family Lawn, which involved an Israeli flag display that impeded foot traffic on a widely used part of campus:



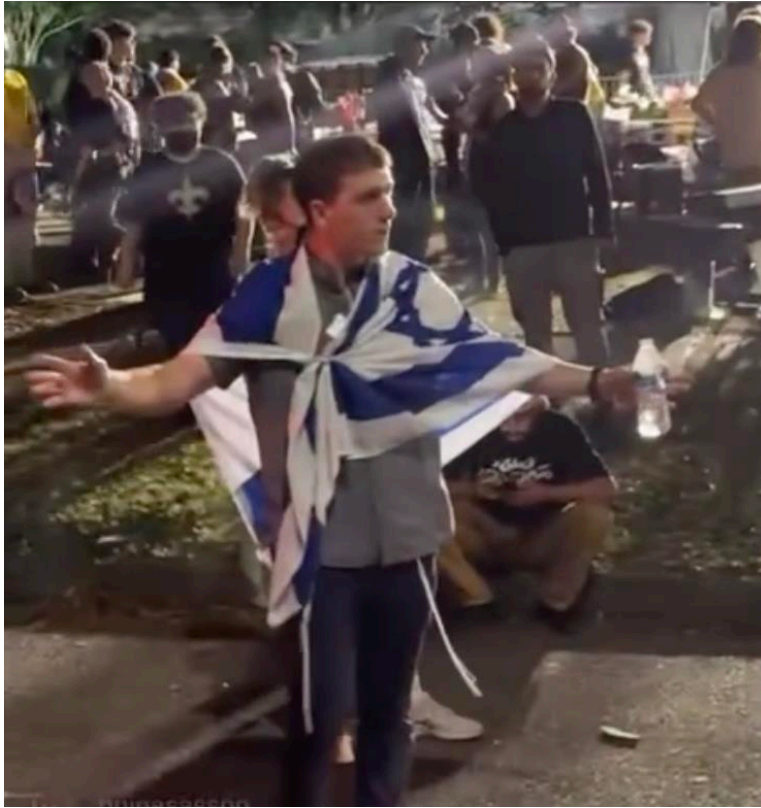
259. Despite the actual inconvenience caused by that event, Tulane treated it as a legitimate protest activity while simultaneously summoning TUPD, NOPD, and LSP to respond to pro-Palestine students with violence and intimidation.

260. Several anti-Palestinian students left the event on Berger Family Lawn and trekked a half-mile across campus to counter-demonstrate and harass the pro-Palestine students at the encampment.

261. During the encampment, anti-Palestinian students publicly live streamed themselves engaging in racist harassment of students at the encampment.

262. Anti-Palestinian Tulane students made jokes and laughed about Israeli war crimes and the ethnic cleansing of Palestinians via starvation and cutting off access to water, and feigned giving used water bottles to students at the encampment.

263. The President of Tulane SSI live streamed herself and others engaging in this act of anti-Palestinian racist harassment, as seen in a clip from the video recording:



264. S.G., a Jewish member of Tulane SDS, was subject to anti-Palestinian racist harassment by anti-Palestinian students while he was at the encampment because of his association with Palestinians and Arabs.

265. Anti-Palestinian Tulane students referred to the kippah worn by S.G. as a “kippab” or “kebab” to suggest that his association with Palestinians and Arabs negates his Jewish identity.

266. Multiple anti-Palestinian Tulane students called 911 and made false reports to NOPD claiming that they had been attacked by Palestinian protesters, despite the fact protesters were nowhere nearer them and avoided interaction with them.

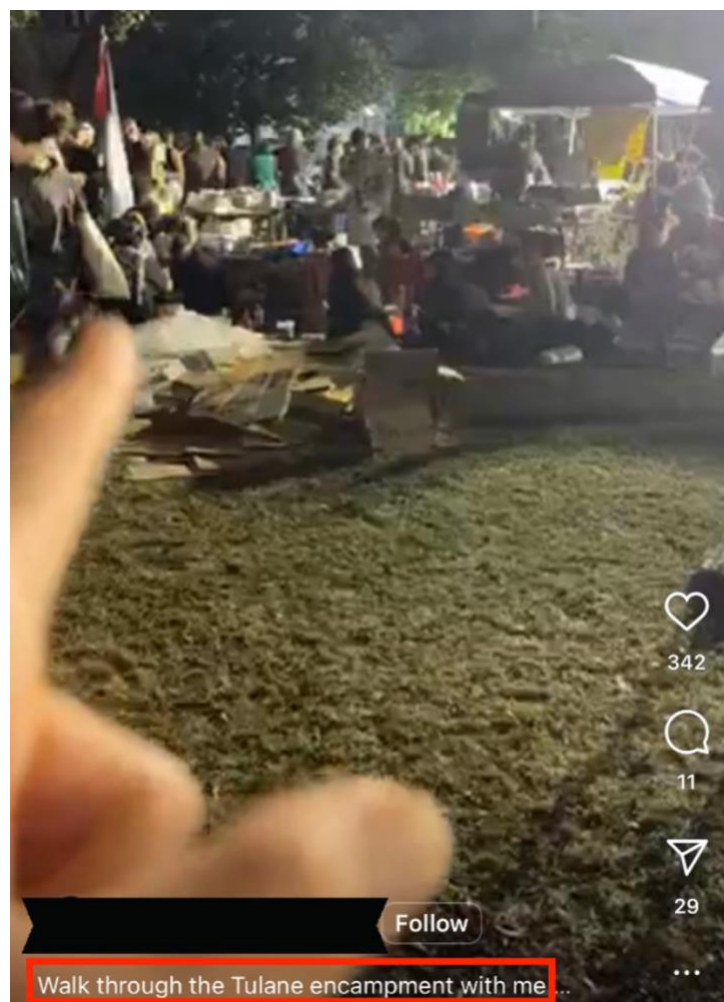
267. Although these calls and the identities of the students are public record, there is no indication that Tulane has investigated the anti-Palestinian racist harassment and criminal conduct of these students, charged these students with conduct violations, suspended them, subjected them to any questioning, or sanctioned them.

268. Pro-Palestine students who had received training in de-escalation tactics successfully employed those tactics to de-escalate repeated attempts at provocation by anti-Palestinian students who engaged in anti-Palestinian racist harassment of pro-Palestine students outside the encampment and on the several occasions when they entered the encampment.

269. On multiple occasions, anti-Palestinian Tulane students entered and remained in the encampment for periods of time.

270. The president of Tulane SSI livestreamed herself from within the encampment for approximately 15 minutes.

271. The video posted to her online account and the SSI account shows pro-Palestine protesters kindly answering her questions as she moves freely around the encampment, including as she points at “people outside of the encampment,” showing clearly that she is within the encampment boundaries:



272. At approximately 2:00 a.m., on the first night of the encampment a drunk anti-Palestinian student entered the encampment and attempted to provoke an aggressive response, but he was instead met by S.G. who calmly and patiently conversed with him for 30 minutes.

273. One anti-Palestinian Tulane student made a show of entering the encampment to eat matzo from his Passover Seder.

274. Unless de-escalation was necessary to prevent anti-Palestinian students from engaging in acts of anti-Palestinian violence within the encampment, pro-Palestine protesters left the anti-Palestinian students alone.

275. There is no indication that Tulane has investigated or charged any of the anti-Palestinian students who were also in the encampment with conduct violations.

276. There is no indication that Tulane has investigated or taken any action against the student organization SSI, even though the president of that organization was operating a public livestream channel from within the encampment, which was shared to the national SSI Instagram account.

277. Beginning on April 30, 2024, Tulane began playing loud music to drown out the speech of the students at the encampment and continued using this tactic through the night to cause psychological distress and agitation to pro-Palestine students.

278. During the day, protesters hosted Gregory Manning, pastor of Broadmoor Community Church, at the encampment.

279. Pastor Manning gave a speech about the importance of intersectionality in social movements.

280. Tulane students, assisted by local community members, presented a variety of cultural programming including Palestinian poetry and short story reading, the screening of a documentary about Jewish Americans' relationship with Israel, and a free library.

281. Palestinians and other community members, including Jewish community members, came to campus with their families and young children to take part in the cultural programming with the students.

282. Palestinian community members performed a Dabke dance at the encampment.

283. On the afternoon of April 30, 2024, the CEO of the Federation, Robert French, joined the anti-Palestinian demonstrators near the encampment on Tulane's campus.

284. French used the Federation's exclusive communication channel to notify other Federation members that he was present at Tulane.

285. French took photographs at the encampment and requested assistance from Federation members, including a former FBI agent, to identify pro-Palestine protesters.

286. On the evening of April 30, 2024, students and community members with Jewish Voice for Peace held a Mimouna ceremony at the encampment, a Moroccan Jewish festival commemorating the last night of Passover.

287. Pro-Palestine protesters served hot homemade food from the ceremony to the public.

288. Afterwards, protesters formed a protective circle around Muslim participants at the encampment so they could safely perform their evening prayers.

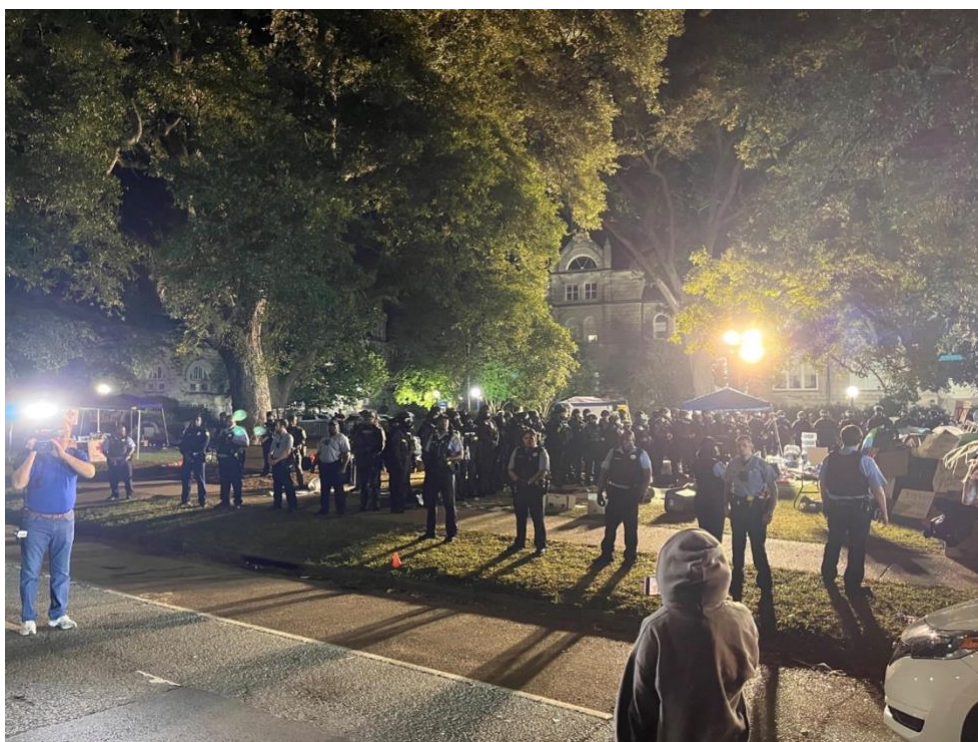
289. Despite the protest remaining peaceful, in the early hours of May 1, 2024, Tulane administrators ordered LSP's Special Weapons and Tactics (SWAT) team to dismantle the camp and arrest the protesters.⁹²

⁹² Olivia Warren and Martha Sanchez, "Tulane arrests 14 protesters, clears pro-Palestinian encampment, The Tulane Hullabaloo," (May 1, 2024): <https://tulanehullabaloo.com/66187/news/tulane-arrests-14-protesters-clears-pro-palestinian-encampment/>.

290. The students and New Orleans community members within the encampment remained peacefully seated around the encampment.



291. Dozens of police in riot gear and armed with weapons surrounded the encampment:⁹³



⁹³ *Id.*

292. Students believe that NOPD officers moved to the sidelines during the raid on the encampment because they are not allowed to turn off their body cameras.

293. LSP arrested protesters, including two Tulane SDS members.

294. After arresting the protesters at the encampment, approximately 40 police in riot gear and armed with weapons advanced upon students and community members who were expressing support for the encampment from across the street on the public neutral ground:



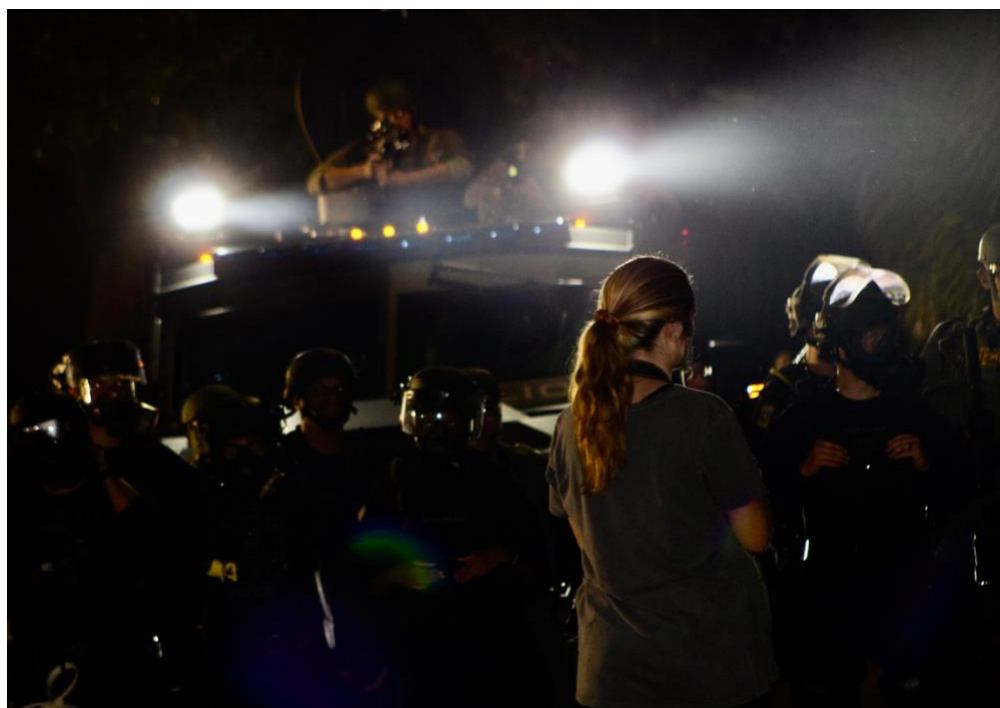
295. Students believe that LSP turned off their body cameras before advancing.

296. According to Tulane SDS member, K.H., no law enforcement agency ordered the individuals standing on the public neutral ground to disperse at the time that LSP advanced and began shoving them to the ground.

297. As LSP advanced along the public neutral ground – which is across a street from where the encampment was located – they repeatedly and forcefully shoved the students and New Orleans Community members to the ground and fired “less lethal” weapons at them.

298. LSP shoved K.H. and another Tulane student to the ground so forcefully that their heads struck the ground, and they were transported to the hospital where they were found to have sustained concussions.

299. Snipers riding on top the armored vehicles pointed their rifles at students.⁹⁴



⁹⁴ *Id.*

300. Two Tulane students were arrested by LSP and are currently facing misdemeanor criminal charges.

301. Another Tulane student was arrested a few days after the encampment and charged with a felony.

302. Tulane made no attempt to return student property and, instead, seized and disposed of all items at the encampment, including duffel bags, tents, generators, and perishables.

x. Suspension of Tulane SDS Members, Conduct Proceedings Against pro-Palestine Student and Investigation by Private Outside Law Firm with Possible Significant Conflict of Interest

303. Tulane issued notices of “interim suspension” – suspensions effective immediately – to SDS as an organization, seven individual members of SDS, and one other Tulane student.

304. These suspensions were assigned as “major matters investigations” under the Student Code, which allows for suspensions and expulsions.

305. Tulane also immediately suspended staff members who it perceived as providing support for the pro-Palestinian students: three staff members from the Office of Gender and Sexual Diversity, including the faculty advisor for Tulane SDS, and an on-campus counselor who went to the encampment to offer counseling services.

306. After the encampment was dismantled, Tulane lifted the suspensions of these staff members.

307. Tulane deprived the suspended students of their on-campus housing and meal plans.

308. Students only learned of the availability of emergency funds to replace their lost housing and meal plans later.

309. Tulane administrators instructed faculty that they were prohibited from offering accommodations to suspended students so that those students could complete their final exams for the semester.

310. On May 3, 2024, Dr. Garry A. Rayant, a member of Tulane’s President’s Council and Chairman of “American Friends of Tel Aviv University,” sent out an email stating that anti-Israel protests are “domestic terrorism.”

311. On that same date, **850 Tulane students** signed and published an open letter to Tulane President Michael Fitts and Tulane administrators “in solidarity with other student protesters at colleges across the country, with protestors at Tulane, and those standing against this genocide globally.”⁹⁵

312. The letter describes the harassment of and retaliation against pro-Palestine Tulane students as so widespread and connected to Tulane’s “fostering” of such an environment that anti-Palestinian “comments go unreported because students feel they will be ignored” due to “how poorly [Tulane] handles these situations, and how little care has been shown to a whole student body demographic.”⁹⁶

313. According to the letter, racist harassment of Palestinian students and others perceived to be Palestinian or associated with Palestinians has been ongoing for months.⁹⁷

314. Palestinian students and students perceived to be Palestinian or associated with Palestinians report that they have been called “terrorists,” “less than human,” and other derogatory terms and slurs by anti-Palestinian students.

315. Complaints made to Tulane by members of Students for a Democratic Society (SDS) and the Arabic Club have gone unaddressed.

316. Also on May 3rd, **250 Tulane faculty members** signed an open letter that condemned Tulane’s response to the pro-Palestinian encampment and demanded Tulane drop the suspensions against seven students involved.⁹⁸

317. 11 professors arrived at Gibson Hall to deliver the letter to Tulane President Fitts.⁹⁹

318. Nine armed police officers stopped the professors from entering Gibson Hall.¹⁰⁰

319. Ian Morrison, vice president of university communications and marketing, accepted the letter outside the building.¹⁰¹

320. To date, the suspensions of SDS and seven SDS members, and the one non-SDS member remain in effect.

⁹⁵ Exhibit A.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ “Tulane Faculty Letter Concerning Campus Protest,” dated May 2, 2024, attached as Exhibit F.

⁹⁹ Ellie Cowen, Lillian Foster, Olivia Warren, *Faculty*, “Students deliver letters condemning Tulane’s response to pro-Palestinian encampment,” THE TULANE HULLABALOO, (May 4, 2024), <https://tulanehullabaloo.com/66286/news/faculty-students-deliver-letters-condemning-tulanes-response-to-pro-palestinian-encampment/>.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

321. Tulane administrators only allowed faculty to give accommodations to pro-Palestine suspended students for their final examinations after receipt of the letter signed by the 250 faculty members.

322. Tulane Dean of Students Erica Woodley personally filed an incident report against three of the suspended SDS members.

323. Dean Woodley alleged that those members posted to the SDS Instagram account in connection with the encampment.

324. Based on Dean Woodley's report, the three SDS members, who remain suspended, have been charged with conduct violations, subjected to questioning by Tulane's private attorney, and are facing sanctions.

325. Tulane contracted two private law firms to investigate claims against SDS and SDS members.

326. To investigate conduct allegations against pro-Palestine students, Tulane hired a private law firm that publicly declared, "We stand with Israel," has been involved for at least a decade "in exploring greater economic ties between [New Orleans and Israel],"¹⁰² and identifies multiple attorneys as serving on the board of the Jewish Federation of Greater New Orleans.

327. According to K.H., this same firm is also assigned to investigate K.H.'s allegation that anti-Palestinian students engaged in the targeted harassment of S.G. at the encampment and that these students singled S.G. out for more extreme harassment because he is a Jewish student who advocates for and is associated with Palestinians on campus.

328. Following his suspension and the increased targeted harassment, S.G. transferred schools to continue his education.

329. The conduct charges against S.G. are classified as "unresolved," and would have to be resolved for S.G. to ever re-enroll in any program of study at Tulane.

¹⁰² See Jones Walker's website, "Firm Statement on Attacks in Israel," dated Oct. 13, 2024: <https://www.joneswalker.com/en/insights/firm-statement-on-attacks-in-israel.html>, and "Jones Walker Featured on The Times of Israel," dated May 7, 2014: <https://www.joneswalker.com/en/insights/jones-walker-featured-on-the-times-of-israel.html>.

xi. Culture that Dehumanizes Palestinian, Arab, and Muslim Students and Community Members Continues on Tulane's Campus

330. On May 8, 2024, local news media published an opinion piece by Tulane Professor and Department of Communication Chair, Mauro Porto, and Associate Professor of Sociology, Patrick Rafail, which described the atmosphere at Tulane as one that “let[s] fester the racist dehumanization of Palestinian, Muslim and Middle Eastern community members.”¹⁰³

331. On May 19, 2024, a private plane with an Israeli flag banner took 5 laps around Tulane graduation.

332. Earlier that same month, Israel seized and closed the Rafah border crossing, cutting Gazans off from life-saving humanitarian aid, causing forced starvation, and trapping thousands of sick and injured Palestinians in the Gaza strip.¹⁰⁴

333. On the same day the plane circled Tulane's graduation, an Israeli airstrike killed 27 Palestinians in Central Gaza, mostly women and children.¹⁰⁵

334. Palestinians and their allies have expressed that, from their perspective, the Israeli flag is an offensive symbol.

335. On May 27, 2024, the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, did, in fact, conclude that, “Israeli authorities are responsible for war crimes... including extermination, murder or willful killing, using starvation as a method of war, forcible transfer, and sexual and gender-based violence amounting to torture.”¹⁰⁶

xii. Tulane Administrators Spend Summer Break Questioning and Charging More Pro-Palestine Students with Conduct Violations

336. During the summer break, Tulane administrators have combed through photographs from the encampment, identified students in the photographs, and charged them with conduct violations.

¹⁰³ Mauro Porto and Patrick Rafail, “Guest column: Aggressive policing of campus protests is doomed to fail,” NOLA.COM, (May 8, 2024): https://www.nola.com/opinions/guest-column-aggressive-policing-of-protests-doomed-to-fail/article_25890316-0bc8-11ef-abf5-2fa2841f7ff5.html.

¹⁰⁴ Mersiha Gadzo and Brian Osgood, “Israel's war on Gaza updates: Full Rafah attack a ‘humanitarian nightmare’,” AL JAZEERA, (May 7, 2024): <https://www.aljazeera.com/news/liveblog/2024/5/7/israels-war-on-gaza-live-israel-blasts-rafah-fate-of-ceasefire-uncertain>.

¹⁰⁵ Wafaa Shurafa, Samy Magdy, and Joseph Krauss, “Airstrike kills 27 in central Gaza and fighting rages as Israel's leaders are increasingly divided,” THE ASSOCIATED PRESS, (May 19, 2024): <https://apnews.com/article/israel-palestinians-hamas-war-news-05-19-2024-d6ea9776d293130d52d308abd284556e>.

¹⁰⁶ Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, issued May 27, 2024: <https://www.un.org/unispal/document/coi-report-a-hrc-56-26-27may24/>.

337. In June, Tulane students, including law students, who expressed support for Palestine on Tulane's grounds during the pro-Palestine encampment, but remained outside the encampment boundaries received "Notice of Hearing" letters.

338. The Tulane students were on Tulane's grounds, but stood 10-15 feet away from the encampment, and were not given an order to disperse from that location.

339. Nevertheless, the "Notice of Hearing" letters that Tulane's Office of Student Conduct sent those students alleged, "Failure to Comply - Failure to comply with the directions of University officials, including but not limited to campus police officers, acting in the performance of their duties."

340. The letters sent "to discuss your level of involvement in this incident," allowed students only a few days – in the midst of Summer break – to seek a Tulane-approved advisor for the conduct process.

341. For example, one letter sent on Wednesday, June 12, 2024 unilaterally set an appointment with conduct administrators for Monday, June 17, 2024 – only two full business days in the future.

342. Tulane's decision to set the appointments during business hours has impacted students with summer jobs, including laws students who have had to request time-off from their summer clerkships to attend the appointments.

343. During one appointment, a Tulane's Assistant Director of the Office of Student Conduct, Adam Sullivan, showed a student a photograph that he alleged supported the "failure to comply with directions" claim.

344. The student pictured in the photograph had not entered the encampment and had remained outside the encampment boundaries in an area where university officials and campus police did not order anyone to move from – and the photograph showed the students in this area.

345. Sullivan refused to identify who took the photograph, who identified the particular students pictured in it, or who made the report.

346. Sullivan knew or should have known that Tulane officials and campus police did not give directions to the students standing in the location pictured.

347. Although such reports targeting pro-Palestine students for expressing support for the encampment from an area outside the boundaries defined by Tulane administrator and campus police appear to be based on false allegations, there is no indication that Tulane investigated the source of these false reports and charged them with conduct violations if they are students.

IV. TITLE VI CLAIMS

A. Tulane's Actions Violate Title VI of the Civil Rights Act of 1964

348. As an institution that receives federal financial assistance, Tulane is required to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which protects individuals from being “excluded from participation in, be[ing] denied the benefits of, or be[ing] subjected to discrimination” on the basis of race, color, or national origin.

349. Title VI's implementing regulation at 34 C.F.R. Part 100 prohibits discrimination on the basis of race, color, or national origin in education programs and activities that receive federal financial assistance from the U.S. Department of Education.

350. A university recipient of federal funding may be found to have violated Title VI in one of two ways: if it commits a discriminatory act of its own or if it permits a hostile environment, i.e., when harassment by a third party or student is “so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an education opportunity or benefit.”²⁵

351. Tulane has violated Title VI by discriminating against Palestinian students and their associates, and by permitting and continually reinforcing a hostile environment that is so pervasive and severe that it prevents Palestinian students from accessing educational opportunities and benefits.

B. Differential Treatment Analysis

352. As laid out in the *Statement of Facts* above, Tulane engaged in different treatment on the basis of national origin and association with and advocacy for Palestinians in its official statements, condemnations, offers of resources and support, event policies, response to alleged unregistered events, and student discipline.

353. Differential treatment on the basis of national origin occurs when: (a) a school's representative (i.e., an agent or employee such as a teacher or administrator) treats a student differently based on their actual or perceived national origin; (b) a school limits or denies educational services, benefits, or opportunities to a student or group of students on the basis of actual or perceived national origin; or (c) a school enforces a facially neutral policy in a manner that treats a student or group of students of particular actual or perceived national origin differently from similarly situated students or groups of students.¹⁰⁷

¹⁰⁷ See OCR's May 7, 2023 Dear Colleague Letter, “Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, including Shared Ancestry or Ethnic Characteristics,”: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>; and see OCR's Nov. 7, 2023 Dear Colleague Letter, “Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics”: https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

i. Tulane Treats Palestinian Students Differently From Non-Palestinian Students in Its Decisions to Make Official Statements, Condemn Conduct, and Offer Resources and Support

354. Tulane is quick to condemn speech or conduct it deems hateful or offensive to non-Palestinians, but when Palestinians or their allies are the targets of anti-Palestinian hate or violence, Tulane stalls or fails to condemn the actions.

355. When a Tulane student admitted that he physically assaulted a Palestinian-American high school student in a public space near campus in October, Tulane did not condemn his action as an act of anti-Palestinian violence, and there is no indication that Tulane's Office of Student Conduct investigated, charged him with a conduct violation, or issued any sanctions.

356. However, students who protested Tulane's treatment of Palestinians by participating in a peaceful encampment were immediately suspended and charged with false alleged conduct violations, including "Community Disruption - Creating or contributing to disruptive behaviors which jeopardize the relationship between the University and the greater community" and "Harm to Persons - Causing physical harm or reasonable apprehension of physical harm."

357. When a Tulane professor physically assaulted Tulane student and SDS member R.M. at a Tulane-sponsored event while R.M. was protesting in support of Palestine, Tulane did not condemn it as an act of anti-Palestinian violence, and there is no indication that Tulane has imposed any consequence on this professor as the school continued to advertise his presence at featured events on campus, including mere days after the incident.

358. When a car registered to a former executive board member of the Jewish Federation of Greater New Orleans drove into a crowd of Tulane and Loyola students, including Palestinian, Arab, and Muslim students, community members, and their allies during a pro-Palestine march near campus, Tulane did not condemn it as an act of anti-Palestinian violence or make any effort to offer resources and support to the students who were targeted.

359. Instead, Tulane invited Federation members to join campus police in policing students on campus and has contracted with law firms with close ties to the Federation to handle conduct proceedings against the students who advocated for Palestinians.

360. In failing to make any statement against acts of anti-Palestinian violence, failing to investigate acts of likely anti-Palestinian violence, hold perpetrators accountable, and take steps to prevent further violence and harm towards Palestinian students and their allies, Tulane has signaled that anti-Palestinian students, faculty, and others can physically harm Palestinian students and their allies without consequence or even rebuke from Tulane.

361. Tulane has condemned other forms of racism but has openly allowed anti-Palestinian racism and violence to continue.

362. Since November at latest, Tulane has been on notice that anti-Palestinian students made threats of violence, both implied and explicit, including one actual death threat, to Palestinian students and their allies, and that a Palestinian student feared they would be murdered on Tulane's campus for being Palestinian – this latter fear was expressed publicly in the student newspaper.

363. Palestinian students have reported feeling unsafe on campus, being afraid that they will be harassed or murdered on campus for being Palestinian, being afraid that they would be targeted by the foreign militants that Tulane invited onto campus, and being unable to sleep or eat.

364. Members of Arabic Club reported an instance of anti-Palestinian discrimination by a faculty member that caused them to be tardy and miss class.

365. SDS member M.S. reported that she was afraid to attend class because of a death threat made to her by an anti-Palestinian classmate while she was participating in a pro-Palestine event.

366. Tulane did not respond to the concerns of Palestinian students and their allies, did not offer resources or support, and did not issue any official statement on or condemnation of the anti-Palestinian racism experienced by these students.

367. Unlike Tulane's rapid response and proactive outreach to hear the concerns of and provide support to Israeli and Jewish students, administrators did not attempt to connect with Palestinian students, other groups associated with Palestinians on campus, or students who made reports regarding incidents of anti-Palestinian racism and discrimination.

368. Tulane has only proactively attempted to "connect" with Palestinian students and their allies to communicate demands that such students be silenced, that they cannot wear keffiyehs, as part of student conduct investigations, to suspend them, and to interrogate them in disciplinary meetings.

369. Tulane condemns acts of vandalism that it perceives as racially targeted but does not condemn those same acts when Palestinian students are the targets anti-Palestinian racist vandalism.

370. When anti-Palestinian students and their recognized student organization publicly admitted that they wrote "terrorists" on campus on school property in a place where Palestinian students and their allies would stand, Tulane did not condemn this as an act of anti-Palestinian racism, vandalism, investigate these students, suspend them or their student organization, or issue sanctions.

371. When an SDS member simply wrote "Free Palestine" in chalk on the same walkway where anti-Palestinian students wrote an anti-Palestinian racist slur, Tulane's Office of Student Conduct immediately treated this as an offense and called him in for a meeting.

372. Despite being on notice that at least one Palestinian student has family members in Gaza that they worry about “every second of the day,” Tulane has failed to acknowledge how the display of an Israeli flag circling Tulane’s graduation ceremony might be found extremely hateful, offensive, and disturbing to that student, other Palestinian students, and their families.

373. Although Dr. Edwige Tamalet ultimately resigned after engaging in overt acts of anti-Palestinian racism and discrimination, Tulane has neither condemned her actions nor made any general official statement regarding acts of anti-Palestinian racism and discrimination by faculty.

374. Arabic Club members have both privately and publicly raised concerns that Dr. Tamalet’s position as the MENA Studies Director negatively impacted the educational services, benefits, and opportunities available to Palestinian and Arab students within Tulane’s MENA Studies program.

375. Tulane has not responded to the concerns expressed by Arabic Club regarding the MENA Studies course offerings, content, and other essential elements of the program that were likely impacted by Dr. Tamalet’s anti-Palestinian racism and discrimination.

376. On May 3, 2024, **850 Tulane students** signed an “Open Letter to Tulane Admin in Support of Palestine,” which describes several examples of differential treatment evidencing anti-Palestinian racism and discrimination by Tulane.

377. Tulane has not responded to this letter or addressed the concerns of anti-Palestinian racism and discrimination described therein and cosigned by 850 students.

ii. Tulane Treats Events that Center Palestinians or that Are Related to Palestine Differently From Events that Do Not Involve Palestinians or that Are Related to Support for Other Foreign Nations

378. When an event centers Palestinians or Palestine, or is perceived to center Palestinians or Palestine, Tulane converts, cancels, or imposes different requirements for hosting the event.

379. When K.H., an SDS member and graduate student in Tulane’s School of architecture, hosted programming as part of their fellowship, they were typically allowed to proceed with no question asked.

380. However, when K.H. requested to host programming that would address the incarceration of Palestinians in Israeli prisons, they were required to seek approval from administrators.

381. Tulane administrators subjected K.H. to multiple hours-long meetings where they demanded that police be present at the event, suggested that programming related to Palestine and Palestinians is “a safety issue,” and ultimately refused to allow the event.

382. During Tulane’s Language Day cultural performances, both the MENA Studies Director and the Director of the Arabic Program ordered Arabic Club members to remove their keffiyehs while other faculty and administrators responsible for the event remained silent.

383. Ultimately, the Directors forced a Palestinian student to go on stage alone to address the crowd, identify herself as Palestinian, and explain the cultural significance of the keffiyeh to prove that it was not “political” and “a symbol of war.”

384. Tulane faculty and administrators did not presume that the cultural attire worn by performers of any other national origin at Language Day would “incite violence.”

385. Tulane faculty and administrators did not demand that performers of any other national origin remove articles of clothing, or force them to justify the “non violent” cultural significance of their traditional attire.

386. Tulane demanded that organizers with the School Public Health’s Violence Prevent Institute agree to a police presence at an event entitled, “Listening to Palestinians: Stories from the Diaspora,” and, even after organizers agreed to Tulane’s demands, Tulane cancelled the event with no explanation.

387. After significant pressure to host a panel of Middle Eastern and North African Speakers, Tulane announced the event, but only invited Israeli speakers as representative of the Middle Eastern region.

388. After facing criticism for failing to include Palestinian or Arab speakers on the panel, Tulane chose to cancel the panel without explanation rather than include Palestinian or Arab speakers on the panel.

389. In contrast, Tulane has held numerous events centering Israel, Israelis, and Israeli perspectives, including hosting two “IsraelFests” in the last year, and inviting members of the Israeli military onto campus.

390. Tulane has not acknowledged any threat those events might pose to campus or student safety, especially considering some invitees may have been involved in the commission of war crimes, and invited at least one active member of the Israeli military onto campus even after former Israeli soldiers attacked pro-Palestine students on Columbia’s campus with chemical weapons.

391. When the library attempted to host a cultural exhibit on Palestine, Tulane demanded that it be converted from a physical display to an online guide and required that online guide include Israeli perspectives.

392. Tulane does not require that displays or events centering Israel include Palestinian perspectives.

393. Tulane also treats Palestinians students and events centering the experiences and expression of Palestinians differently from non-Palestinians by selective enforcement of the “Freedom to Demonstrate: Campus Demonstration Protocol.”

394. When non-Palestinian students held unregistered counterdemonstrations in violation of Tulane’s Campus Demonstration Protocol, Tulane officials and campus police did not direct those students to disperse or request that NOPD or LSP assist in dispersing those students.

395. Even when the unregistered counterdemonstrations of non-Palestinian students were openly engaged in acts of anti-Palestinian racist harassment and blocking the only path of exit for Palestinian students and their allies, Tulane did not direct the counterdemonstrators to disperse or even cease their racist harassment.

396. Although there have been several hostile, harassing, and unauthorized counterdemonstrations by anti-Palestinian students on Tulane’s campus this school year, Tulane has not requested that law enforcement disperse those students.

397. Yet, when Palestinians and their allies participated in a demonstration on campus, Tulane responded with an unprecedented use of force.

iii. Tulane’s Response to a Pro-Palestine Encampment is Unprecedented in the History of Demonstrations on Tulane’s Campus

398. Tulane’s response to the Gaza Solidarity Encampment appears to be the most militarized response to a protest in Tulane’s history.

399. In 1990, protesters established an anti-apartheid encampment or “shantytown” in nearly the same location in front of Gibson Hall.

400. Similar to pro-Palestine protesters, anti-apartheid protesters demand that Tulane divest from companies in apartheid South Africa.

401. There is no indication that Tulane summoned any law enforcement agency to respond to this protest, instead, the 1990 encampment culminated in a hunger strike.

402. In 2015, over 70 students occupied a hallway in Gibson Hall outside President Fitt’s suite for four days to demand that Tulane divest from fossil fuels.

403. There is no indication that Tulane summoned any law enforcement agency to respond to this sit-in, no protesters were suspended or charged with conduct violations, and, instead, Tulane responded by agreeing to meet with the students to discuss their demands.

404. As discussed above, during the 2023-2024 school year, anti-Palestinian students held several unregistered counterdemonstrations on campus where they engaged in anti-Palestinian racist harassment and blocked exits, but Tulane did not direct them to stop or summon any law enforcement agency to respond.

405. On the same day that the Gaza Solidarity Encampment was established in front Gibson Hall, non-Palestinian students held a demonstration on Berger Family Lawn – a widely used part of campus – and placed Israeli flags in a display that impeded foot traffic and disrupted the Tulane community.

406. Tulane treated this disruptive event held by non-Palestinians and centering Israel as a legitimate protest activity, while at the same time demanding three separate law enforcement agencies respond to disperse Palestinians and their allies.

407. In contrast, the pro-Palestine encampment occurred in a symbolically salient location adjacent to Gibson Hall, but in a rarely used part of Tulane's campus that would at best have a marginal impact on the Tulane community.

408. The, at best, minimal inconvenience posed by the pro-Palestine encampment did not justify the law enforcement actions used to disperse and dismantle it.

409. Tulane students who participated in the pro-Palestine encampment were immediately met by NOPD mounted units charging at them.

410. A TUPD officer held a Tulane student to the ground so close to the NOPD mounted units that an NOPD horse struck her in the head.

411. TUPD officers arrested this injured student and other protesters, removed them from view of the encampment, and left them restrained and within reach of anti-Palestinian counterdemonstrators.

412. TUPD, NOPD, and LSP remained present at the encampment round the clock, and, upon information and belief, Tulane invited members of the Federation – an outside organization involved in lobbying against universal human rights – to surveil Palestinian students and their allies on campus.

413. Tulane's Assistant Vice President for Public Safety sent an email to the Tulane community accusing all participants in the pro-Palestine encampment of "...breaking the law, hate speech, harassment, intimidation, trespassing, violence and other criminal acts."

414. Although the Gaza Solidarity Encampment and students remained peaceful, Tulane authorized LSP's SWAT team to use force to dismantle the encampment and arrest protesters.

415. When students participated in a pro-Palestine encampment on Tulane's campus, they were charged at by NOPD mounted units, physically injured, suspended, arrested, jailed, and are facing criminal charges.

416. Not only is Tulane's treatment of unauthorized pro-Palestine demonstrations different from its treatment of unauthorized anti-Palestinian demonstrations, but it is out of proportion with Tulane's past treatment of student protests.

417. At least 40 police in riot gear and armed with weapons descended upon the encampment and surrounding area, officers shoved community members and students who were expressing their support for the encampment from the public neutral ground, snipers pointed rifles at students, LSP used high-beam lights to prevent people from recording their actions, and NOPD officers faced away so their body cameras would not record LSP's actions.

418. Ultimately, LSP injured two Tulane students so severely they were hospitalized, one with a concussion and another with a back injury.

419. This deployment of police units was disproportionate to the level of threat posed by the Gaza Solidarity encampment.

420. In its history, Tulane has not requested such a response to demonstrations on campus – this multiagency coalition of heavily armed police was deployed only when Palestinians and their allies held a demonstration that centered Palestine and demanded that Tulane protect Palestinian and Arab students.

iv. Tulane Enforces Student Conduct Policies to Charge and Suspend Students and Student Organizations that Advocate for Palestinians But Does Not Enforce the Same Policies Against Anti-Palestinian Students and their Student Organizations Even When They Commit Public Acts of Anti-Palestinian Harassment and Violence

421. According to the open letter to Tulane signed by 850 Tulane students, anti-Palestinian students have made constant false allegations against pro-Palestine student organizations, namely against Students for a Democratic Society (SDS).¹⁰⁸

422. Although Tulane claims to take false allegations very seriously, there is no evidence that anti-Palestinian students who have made false reports over the last eight months have been investigated or faced any consequence as their misconduct has continued undeterred.

¹⁰⁸ Exhibit A.

423. Anti-Palestinian students and their affiliated Recognized Student Organizations (RSO) have made death threats, openly and admittedly engaged in acts of anti-Palestinian racist violence and harassment, and repeatedly violated Tulane's event policies.

424. There is no indication that these anti-Palestinian students, their RSOs, and the faculty and staff who support them have been suspended, sanctioned, or even investigated in any manner – much less required to submit to the same level of investigation as Tulane SDS members.

425. The fact that Tulane suspended Tulane SDS and its members for their activism, after they demanded that Tulane protect Palestinian and Arab students, raises concerns that Tulane acted based on the identity of SDS as a group explicitly associated with Palestine and Palestinians.

426. The false charges levied at Tulane SDS members are designated such that the students are facing expulsion.

427. By unilaterally and selectively suspending SDS and seven of its members, Tulane sent a message that those who vocally support Palestinian rights will not be protected by the school and will be treated as a "threat" to be neutralized.

428. To investigate the allegations against Tulane SDS members, Tulane retained a private law firm with close ties to an organization that is actively lobbying against the demands of the local Palestinian community and Tulane SDS and supported anti-Palestinian counterdemonstrators during the encampment.

429. Administrators such as Dean Woodley have proactively filed their own incident reports against Tulane SDS members.

430. However, there is no indication that administrators have similarly filed incident reports against anti-Palestinian students for their public and admitted incidents of anti-Palestinian violence and harassment.

431. Since the encampment, Tulane administrators have reviewed photographs from the encampment and surrounding area to identify additional students associated with Palestinians and has charged them with conduct violations and required them to submit to conduct meetings during the summer break, which has disrupted their summer jobs.

432. There is no indication that Tulane has taken similar steps to identify, charge, and question the anti-Palestinian students who were similarly demonstrating outside the encampment, or even those anti-Palestinian students who entered the encampment.

433. Several Tulane SDS members are still facing municipal and criminal charges in connection with the encampment and it is believed that Tulane has retained a third private law firm that has lobbied against dropping the charges.

434. Incidents of anti-Palestinian discrimination are so pervasive at Tulane that Complainants have alleged violations of Title VI based on differential treatment by every method.

435. There is no justification for Tulane's different treatment of Palestinian students and students associated with Palestinian identity.

436. Through lack of support and discriminatory enforcement of its policies, Tulane's actions violate Title VI of the Civil Rights Act of 1964.

C. Retaliation Analysis

437. In addition to differential treatment on the basis of national origin, the series of events described herein also constitutes retaliation against Tulane SDS for their advocacy and demands that Tulane take action to protect Palestinian and Arab students from the pervasive anti-Palestinian racist harassment and discrimination, publicly support the passage of a Ceasefire Resolution by the New Orleans City Council, and disclose investments and divest from Israeli corporations and corporations that supply arms, fuel, or technology to Israel.

438. These demands were clearly enumerated in a March 12, 2024 post to the Tulane SDS Instagram account and reiterated during the Gaza Solidarity Encampment.

439. As recently as April 26, 2024, Tulane SDS member M.S. submitted Campus Reporting Forms, that included her name and contact information, reporting incidents of anti-Palestinian racist harassment by identified anti-Palestinian students who held unregistered counterdemonstrations on campus where they referred to Palestinian students and their allies as "terrorists" and "terror loving mobs."

440. M.S. received no response from Tulane, but has since been suspended in connection with the encampment and subjected to extensive conduct proceedings and questioning by Tulane's privately retained law firms with connections to an organization that actively supported anti-Palestinian counterdemonstrators at the encampment and that has openly lobbied against universal human rights on the basis that Palestinians should not be included in those protections.

441. Tulane SDS' demands and M.S. reports of anti-Palestinian racist harassment constitute activities protected under Title VI.¹⁰⁹

442. In evaluating a claim of retaliation by a student against a school, OCR analyzes whether: (1) the individual engaged in a protected activity; (2) the individual experienced an adverse action caused by the recipient; and (3) there is some evidence of a causal connection between the adverse action and the protected activity.

¹⁰⁹ See 34 C.F.R. §§ 100.7(e), 104.61, 106.81, 108.9, 110.34; and 28 C.F.R. § 35.134.

443. As described above, the discipline of the arrested students by adding campus conduct charges to the criminal and municipal charges arising from the encampment constitutes different treatment when compared to other similarly situated students at Tulane going back decades

444. Subjecting students to investigation by a law firm with a deeply concerning conflict of interest constitutes different treatment when compared to similarly situated students.

445. The difference in treatment appears to stem from retaliatory animus, given the abundant evidence of anti-Palestinian animus on behalf of Tulane administrators and decisionmakers, as described above.

D. Hostile Environment Analysis

446. Tulane's response to the Gaza Solidarity Encampment, discussed above, is both a reflection and escalation of the hostile environment it has tolerated and reinforced toward Palestinian students, students perceived to be Palestinian, and those associated with or advocating for Palestinians since October.

447. A university recipient of federal that has actual or constructive knowledge of a hostile environment must take prompt and effective steps that are reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects, by ensuring that students are not restricted from participating in or benefiting from educational opportunities as result of a hostile environment.¹¹⁰

448. A university that responds with deliberate indifference or fails to take appropriate responsive action to a known hostile environment violates Title VI and risks losing federal financial assistance.¹¹¹

449. A hostile environment as "unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity."¹¹²

¹¹⁰ See, e.g., Letter from Melanie Velez, Reg'l Dir., Dep't of Educ. Office for Civil Rights Region IV to Kathryn LeRoy, Superintendent of Polk County Pub. Schs. at 3 (March 23, 2016) (RE: Case No. 04-14- 1664), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04141664-a.pdf>.

¹¹¹ 42 U.S.C. § 2000d-1 (1964).

¹¹² November 7th, 2023, *Shared Ancestry Harassment Guidance*, p.2. Note that while this guidance does not address the issue of constructive or formal notice in the context of the 2020 Title IX amendments, it would be unnecessary to do so, give that these amendments explicitly did not impact any other federal legislation.

450. Targeted and pervasive harassment of Palestinians and groups associated with Palestinians on campus on the basis of national origin or perceived national origin is actionable under Title VI where such harassment impedes the educational opportunities of the targeted students.

451. As a university obligated to provide an educational environment welcoming to all regardless of race, color, or national origin, Tulane cannot justify its failure to address the hostile anti-Palestinian environment students have been subjected to by its own administrators, professors, and police department.

i. Anti-Palestinian Racist Harassment is so Pervasive on Tulane's Campus that it Impedes Palestinians and Targeted Students from Participating in Educational Programs and Opportunities

452. Palestinian students and students perceived to be Palestinian or associated with Palestinians have been subjected to a hostile environment on Tulane's campus due to an onslaught of anti-Palestinian harassing statements and threats both openly on campus and publicly visible online, of which Tulane had clear and repeated notice.

453. Tulane had more than ample actual and constructive notice of the hostile environment for Palestinian students, perceived Palestinian students, and their allies on campus, yet failed to ever attempt to address the environment as a whole.

454. At least four open letters were submitted to Tulane that described incidents of anti-Palestinian racism and harassment on campus: (1) the statements of Palestinian Students published by Tulane for Palestine in the school newspaper in November; (2) a public statement published by Arabic Club in December; (3) an open letter from MENA faculty and staff delivered to President Fitts in March; and (4) an open letter signed by 850 students delivered to President Fitts in May.

455. Palestinian students have reported that: (1) they fear being murdered on Tulane's campus; (2) if they publicly identify as Palestinian, anti-Palestinian Tulane students will describe how they support the military that is murdering their friends and family in occupied Palestine; (3) administrators and faculty have referred to their cultural attire as "political," "violent," a "symbol of war," and "terrorist," (4) administrators have ordered them to remove their cultural attire to participate in school programming; and (5) they and their allies have been referred to as "terrorists," "terrorist mobs," and "less than human," received death threats and told they "deserve to be raped and have your throat slit."

456. These incidents and statements constitute severe and pervasive harassment that is so subjectively and objectively offensive that it denied Palestinian students, students perceived to be Palestinian, and associated students the ability to participate in or benefit from Tulane's educational programs and activities.

457. Palestinian students reported fearing for their safety on campus and missing class, and having serious concerns about educational opportunities and programming available to them being limited or denied to them, especially within the MENA Studies program due to rampant anti-Palestinian racism and discrimination.

458. Palestinian students have had to carry on with their studies amidst a hostile environment of historical proportion, and with no offers of institutional resources or support from Tulane.

459. Tulane SDS, which formed in January, became the main student organization explicitly advocating for Palestinian liberation on campus.

460. In March, Tulane SDS publicly demanded that Tulane “provide institutional protection for Arab and Palestinian students.”

461. In April, the school newspaper published a statement from an allied Jewish student recognizing that Tulane’s decision to host active members of the Israeli military on campus, who may be involved in the commission of international war crimes, including the murder of Palestinian students’ family members is “very alienating to the point where [Palestinian students] wouldn’t want to be a part of Tulane.”

462. Despite this notice, Tulane failed to respond effectively and promptly to eliminate the hostile environment and remedy its impact on affected Palestinian students and their allies.

463. Instead, Tulane suspended SDS and seven of its members in retaliation for their advocacy in support of Palestine and Palestinians, and criticism of Tulane’s ongoing failure to protect Palestinian students.

464. Tulane SDS members have been arrested, assaulted, threatened, suspended, locked out of campus and their classes, and student jobs, and sustained injuries, including head injuries, from NOPD and LSP, requiring medical attention, and at least one member has had to transfer schools to receive an education.

465. Palestinian students, students perceived to be Palestinian, or associated with Palestinians, including our clients, have been denied their educational opportunities in numerous ways due to Tulane’s direct anti-Palestinian discrimination on campus, and due to the hostile environment that Tulane has allowed to persist on its campus.

466. After the Gaza Solidarity Encampment, Tulane received an open letter signed by 250 faculty members condemning the administration’s response.

467. This letter described Tulane’s “calling in” NOPD and LSP to respond to peaceful protesters as “escalatory.”

468. The faculty members recognized the suspensions and conduct investigations as an effort “to intimidate students and employees by threatening retaliatory action for participation in peaceful protests[,] and demanded that Tulane “drop the suspensions.”

469. Despite multiple requests to Tulane President Fitts, neither he nor any other member of Tulane’s administration, has issued any statement explicitly condemning the anti-Palestinian behavior that has gone unchecked on campus or implemented an effective and comprehensive response.

470. This silence stands in stark contrast to official messages that are issued immediately to nearly every perceived and alleged anti- Israel incident on campus.

471. It also contrasts unfavorably to statements Tulane has made in support of Ukrainians.

472. This silence is indicative of an actual policy that President Fitts has implemented, which prohibits administrators from issuing any statement of support for Palestinians, including Palestinian students, or from issuing any condemnation of anti-Palestinian behavior.

473. Tulane had ample notice of the hostile environment, and yet failed to address the environment in any fashion that could be considered prompt and effective.

474. We are deeply concerned that it appears to be Tulane’s actual policy not to address acts of anti-Palestinian racism and discrimination and to prohibit members of its administration from addressing it.

ii. Tulane’s Has Created a Hostile Environment for Palestinian Students on Campus by its Differential Treatment of Palestinian Community Members and Student Organizations Associated with Palestinians

475. As discussed in the *Differential Treatment Analysis* section, Tulane has treated Palestinian community members differently from non-Palestinians – a Tulane student physically assaulted a local Palestinian-American high school student, and other Tulane students were likely also involved in the doxing of that same child and his family.

476. When Palestinian community members and their allies held a protest far from Tulane’s campus in November, Tulane’s Chief of Police was present surveilling protesters.

477. After former members of the Israeli military attacked pro-Palestine Columbia students with chemical weapons, Tulane invited an active Israeli soldier onto campus.

478. As Professor Ata Hindi pointed out it’s likely this individual is involved in the perpetration of international war crimes against Palestinians, and student Wiesent pointed out, “likely to make them feel unsafe.”

479. During the encampment, Tulane invited a local organization that supported anti-Palestinian counterdemonstrators to join campus officials and security – this same organization lobbied against the passage of a universal human rights resolution by the New Orleans City Council specifically because they are against human rights being afforded to Palestinians, and is actively lobbying against the passage of a Ceasefire Resolution, which Tulane SDS demanded Tulane support.

480. Tulane invited this organization onto campus even after a car registered to one of its former executive board members was driven into a crowd of pro-Palestine Tulane students and Palestinian, Arab, and Muslim community members and their allies.

481. This organization is directly adverse to Tulane SDS, yet, Tulane has retained two private law firms with close ties to it to handle student conduct investigations against SDS and the members who it suspended for their activism – which includes advocating for the Ceasefire Resolution that this organization actively opposes.

482. Tulane SDS and Arabic Club are student organizations on Tulane's campus that comprised or were associated with Palestinian, Arab, and Muslim students.

483. Tulane has repeatedly treated both of these organizations differently from non-Palestinian affiliated organizations by differential enforcement of event policies, restrictions, and student conduct standards.

484. When members of these student organizations were subjected to anti-Palestinian racist discrimination and harassment by other students, faculty, and administrators on campus, Tulane took no action to end the discrimination and harassment, and, to date, has taken no action to prevent it from recurring.

485. Tulane's differential treatment of Arabic Club and SDS has created a hostile environment for other Palestinian students on campus who may be less inclined to publicly exist as Palestinians because of Tulane's open hostility towards student organizations devoted to justice and equality for Palestinians and, what Tulane perceived as even the mere promotion of Palestinian or Arabic culture by wearing keffiyehs.

486. Palestinian students and those associated with Palestinian identity through their membership in Arabic Club, Students for a Democratic Society, and similar groups have not been afforded equal access to support from their university and have been singled out for intimidation and investigation at a time when they perceive that a genocide is unfolding before their eyes.

iii. Tulane Administration at the Highest Levels have Created a Hostile Environment for Palestinians on Campus by Perpetuating and Promoting Anti-Palestinian Racist Tropes and Stereotypes

487. Tulane administrators have repeatedly characterized students using the phrase “from the river to the sea,” “free Palestine,” and “intifada,” as antisemitic or supporters of terrorism.

488. These characterizations rely on racist, anti-Palestinian tropes that paint Palestinians as inherently violent and hateful.¹¹³

489. Tulane must acknowledge these phrases as students intend them to be – as expressions of Palestinian freedom and equality.¹¹⁴

490. Tulane has not acknowledged that characterizing Palestinian students and their affiliates and advocates as terrorists, terrorist sympathizers, pro-Hamas, and actually Hamas, which are dangerous and harmful anti-Palestinian stereotypes that paint Palestinians and those associated with them as inherently violent.

491. The Gaza Solidarity Encampment on Tulane’s campus was multicultural, inclusive and respectful of all ethnic, religious, and gender identities.

492. Muslims, Jews, Christians, Palestinians, Black New Orleanians, and queer and trans students were all represented and given space at the encampment, and even anti-Palestinian students freely and repeatedly entered and walked around the encampment.

493. As the multicultural encampment modeled – opposition to the political ideology of Zionism⁷⁵—whether espoused by Palestinians, Jews, or anyone else—is the call for equal rights for all residents of historic Palestine currently living under Israeli rule, and an end to the occupation and other forms of Israeli demographic control.⁷⁶

494. Palestinians, like any other ethnic or national origin group, believe that they are equal human beings entitled to equal treatment under the law—both here in the United States and in Palestine (where they live under a system of apartheid)⁷⁴.

495. Chants of “from the river to the sea,” “free Palestine,” “intifada,” and opposition to the political ideology of Zionism generally is a fundamentally political message that does not discriminate on the basis of religious or ethnic identity, but rather calls for equal rights and justice.

¹¹³ See South Africa’s Application Instituting Proceedings Against the State of Israel in the International Court of Justice, ¶¶ 105-07; and see, Harsey, Sarah, *Perpetrator Responses to Victim Confrontation: DARVO and Victim Self-Blame*, JOURNAL OF AGGRESSION, MALTREATMENT & TRAUMA, 26 (6): 644–663, June 1, 2017: <https://www.tandfonline.com/doi/full/10.1080/10926771.2017.1320777>.

¹¹⁴ Yousef Munayyer, “What Does ‘From the River to the Sea’ Really Mean?” JEWISH CURRENTS (Jun. 11, 2021), <https://jewishcurrents.org/what-does-from-the-river-to-the-sea-really-mean>.

496. By promoting the view that Palestinians are not equal human beings that deserve equal rights—and promoting the view that to advocate for such is punishable as “domestic terrorism”—Tulane has shown its hostile anti-Palestinian animus.

V. REMEDIES REQUESTED

497. OCR should require Tulane to take the following steps:

A. Tulane Must Ensure Palestinian Students Are Able to Access Services on a Basis Equal to Other Students.

498. Tulane’s actions demonstrate a systemic failure to address the needs and concerns of Palestinian students.

499. OCR should conduct a review and establish ongoing monitoring of Tulane’s handling of complaints of discrimination against Palestinian students and their allies, and where necessary, reopen investigations that were not conducted properly.

500. Tulane must adopt mandatory training across campus on anti-Palestinian racism.

501. Tulane must also implement mechanisms to protect students from discriminatory harassment by external and internal entities for their campus activities.

502. In order to ensure that Tulane provides Palestinian students equal access to services on an ongoing basis, Tulane must also establish a formal mechanism, such as an advisory committee on Palestinian and Arab student life, to allow students to voice their needs and concerns and to monitor actions by the university to remedy its discriminatory treatment of Palestinian students, students perceived to be Palestinian, and their allies.

503. Tulane must appoint an administrator to serve as a direct point of contact for complaints involving allegations of anti-Palestinian and anti-Arab racism and discrimination, and Islamophobia on Tulane’s campus.

B. Tulane Must End Discriminatory Investigations of Palestinian or Palestinian-Associated Groups, Students, Faculty, or Staff, and Their Allies Who Advocate for Equal Treatment

504. Tulane must cease the discriminatory, intrusive, and biased investigations of Palestinian students, SDS, SDS members, faculty, staff, or other student groups or students who advocate for Palestinian rights or criticize Israel.

505. Any law firms retained by Tulane to handle student conduct investigations must be vetted for conflicts of interest and bias against the students and student organizations they are retained to investigate.

506. Because Palestinian students and those who believe in equality for Palestinians are subjected to campaigns of harassment and intimidation by anti-Palestinian groups,¹¹⁵ Tulane must ensure that processes are put in place, including the trainings on anti-Palestinian and anti-Arab racism described above, to ensure that Palestinians and their allies are not further victimized by investigations that validate and give fuel to these campaigns of hate.

507. Tulane must request that the New Orleans City Attorney and New Orleans District Attorney drop the municipal and criminal charges against protesters.

C. Tulane Must Apologize for its Actions and Issue a Statement Condemning Anti-Palestinian Racism and Discrimination

508. Tulane must issue a public statement condemning anti-Palestinian racism on its website, on social media, and to the campus community.

509. Tulane President Michael Fitts must issue a statement condemning the harassment and discrimination against Palestinian students, students perceived to be Palestinian, and their allies, and apologizing for his inaction.

510. Tulane President Michael Fitts, Director of Student Conduct Margaret Martin, and Dean of Students Erica Woodley must issue a statement affirming the rights of student groups and students to openly advocate for the lives and liberation of Palestinians.

511. The statements must use the word Palestine or Palestinian—not simply an overbroad category such as Arab or Muslim, which, in the wrong context, could contribute to Palestinian erasure.

D. Tulane Must Provide Redress for the Harm Caused by Anti-Palestinian Racism and Discrimination, as well as Trainings and Resources Designed to Prevent Further Incidents

512. Tulane must provide cost-free, university-wide therapy services that are culturally competent and specifically equipped to address the unique needs of Palestinian, Arab, and Muslim students.

¹¹⁵ See CTR. FOR CONSTITUTIONAL RIGHTS & PALESTINE LEGAL, THE PALESTINE EXCEPTION TO FREE SPEECH: A MOVEMENT UNDER ATTACK IN THE US (2015), available at <https://ccrjustice.org/the-palestine-exception>; 2022 Year- in-Review: Bolder and More Resilient Palestine Advocacy Resists Growing Backlash, PALESTINE LEGAL, <https://palestinelegal.org/2022-report>.

513. Tulane must provide redress for students who either missed exams or whose performance on exams was severely impacted due to the administration's improper handling of the events relevant to and referenced within this complaint.

514. Tulane must provide redress for students who had their employment or housing impacted.

515. Tulane must provide training of all Tulane faculty and staff on the protections of free speech and academic freedoms, with the express understanding that viewpoint discrimination is presumptively illegal.

516. Tulane must establish an anti-discrimination and free speech task force whose governance and decision-making include students.

517. Tulane must establish a task force to address on-campus discrimination, and the task force should be required to publish an annual report about Title VI and First Amendment violations across Tulane's campuses, and make their reports publicly accessible, while ensuring the anonymity of students potentially impacted or impacted by the reported violations.

518. Upon completion of the report, where the task force finds Title VI and/or First Amendment non-compliance, it should create an action-plan and, without delay, begin implementing the action-plan across the relevant campus(es).

519. Tulane must provide resources for Palestinian and Arab students on campus in the form of an Arab Cultural Center to support, uplift, and protect Arab-American students.

520. Tulane must establish a dedicated prayer room for Muslim students on campus that is to be used solely as a prayer room – not a room that doubles as a “massage” room.

521. Tulane must establish a dedicated space for MENA Studies on campus.

522. At present, only two professors in Tulane's MENA department are Arab – Tulane must hire more Arab faculty members.

523. The MENA Studies program must host movie screenings relevant to current world events, scholarship, and lectures by visiting professors, including movies, events, and lectures that center a Palestinian perspective.

524. The School of Architecture must host the programming planned by K.H. for the “Play it Louder: Amplifying Carceral Realities and Abolitionist Futures,” exhibition.

525. The Tulane School of Architecture must sponsor opportunities and host programming that features Palestinian perspectives.

526. The Tulane School of Public Health must issue an official statement on Israel's attacks on Palestinian healthcare facilities and workers that is consistent with the demand letter it signed regarding Russia's attacks on healthcare facilities and workers in Ukraine.¹¹⁶

527. The Tulane School of Public Health must allow the Violence Prevention Institute to host programming on Palestine and featuring Palestinians.

528. Tulane administrators must meet with Tulane SDS members to discuss the Ceasefire Resolution that community members have presented to New Orleans City Council.

529. Tulane administrators must meet with Tulane SDS members to discuss their concerns regarding Tulane's partnership with Israeli universities and involvement in "birthright" trips to Occupied Palestine.

E. Tulane Must Recommit to the Ethical Investment Policy and Establish a Supervisory Board to Enforce that Policy

530. Tulane must recommit to the "Ethical Investment Policy," enacted in 1985, which states that Tulane will not hold investments which blatantly violate basic human rights.

531. Tulane must disclose where its endowment is invested annually, beginning with investments made in 2023.

532. Tulane must establish a supervisory board, composed of full-time administrators, faculty, and a majority of students, and grant this board access to Tulane's investment portfolio and the authority to investigate the viability for divestments of holdings from corporations that violate basic human rights.

533. Tulane administrators must meet with students concerned about Tulane's investment in Israeli corporations and corporations that supply arms, fuel, or technology to Israel.

¹¹⁶ See Tulane University School of Public Health and Tropical Medicine website, U.S. Schools of Public Health Join Together to Demand the Protection of Health Care Workers in Ukraine and Beyond": <https://sph.tulane.edu/news/us-schools-public-health-join-together-demand-protection-health-care-workers-ukraine-and-beyond>.

VI. CONCLUSION

For the above-mentioned reasons, we urge the Office of Civil Rights to investigate Tulane's compliance with Title VI of the Civil Rights Act of 1964.

Sincerely,

A handwritten signature in black ink, appearing to read "Hope Phelps", with a stylized flourish at the end.

Hope Phelps
Attorney, Most & Associates